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Security Council

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Note by the Secretary-General

The Secretary-General has the honour to transmit to the Security Council the seventeenth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) (see annex). It is submitted by the Acting Executive Chairman of UNMOVIC in accordance with paragraph 12 of Security Council resolution 1284 (1999) of 17 December 1999.

04-36892 (E) 040604

Annex

Seventeenth quarterly report on the activities of the United Nations Monitoring, Verification and Inspection Commission submitted in accordance with paragraph 12 of Security Council resolution 1284 (1999)

I. Introduction

1. The present report, which is the seventeenth[a] submitted in accordance with paragraph 12 of Security Council resolution 1284 (1999), covers the activities of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) during the period from 1 March to 31 May 2004.

II. Developments

2. During the period under review, the Acting Executive Chairman has continued the practice of briefing the respective Presidents of the Security Council, representatives of Member States and officials of the Secretariat on the activities of UNMOVIC.

3. During the period, no official information was made available to UNMOVIC on either the work or the results of the investigations carried out in Iraq by the Iraq Survey Group, led by the United States of America, nor did the Survey Group request any information from UNMOVIC. While the Commission has examined the publicly released portion of the testimony given by Charles Duelfer, the head of the Survey Group, on 30 March before the United States Senate's Armed Services Committee, it has not had access to the full text. The provision of detailed supporting information relating to the public testimony would assist UNMOVIC and the International Atomic Energy Agency (IAEA) in discharging their mandate to continue to assess Iraq's weapons of mass destruction activities.

4. In his testimony, the head of the Iraq Survey Group noted that the Group continued to look for weapons of mass destruction. He also said he did not believe that the Survey Group had sufficient information and insight at that time to make final judgements with confidence as to Iraq's weapons of mass destruction programmes and to determine the truth of their existence. He said that more work had to be done to gather critical information about the regime, its intentions and its capabilities. He also pointed to a number of practical difficulties facing his team, including security, delays in translating documentation and the continued reluctance of Iraqi personnel to speak freely.

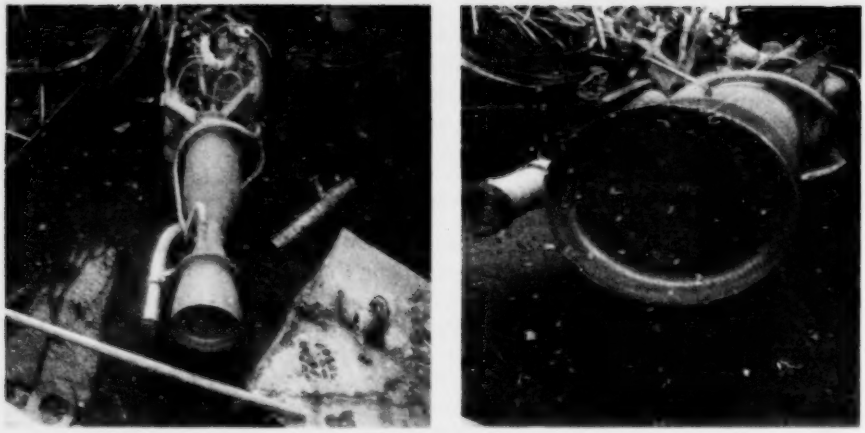
5. Mr. Duelfer's publicly released testimony mentions, as an example of uncertain Iraqi intent, that the Tuwaitha Agricultural and Biological Research Centre had equipment suitable for the production of biological agents and that research work there on the bacterium *Bacillus thuringiensis* would be important to a biological weapon programme. UNMOVIC and its predecessor, the United Nations

[a] The Commission's 16 previous reports were issued as documents S/2000/516, S/2000/835, S/2000/1134, S/2001/177, S/2001/515, S/2001/833, S/2001/1126, S/2002/195, S/2002/606, S/2002/981, S/2002/1303, S/2003/232, S/2003/580, S/2003/844, S/2003/1135 and S/2004/160.

Special Commission, inspected that site on numerous occasions for similar reasons and had categorized it as being subject to intensive monitoring. The site was also inspected regularly by IAEA. The testimony also refers to new information on unmanned aerial vehicles being developed and on long-range ballistic missile development. While the Commission has considerable knowledge of Iraq's unmanned aerial vehicle programmes and long-range missiles, the testimony is not sufficiently detailed for the Commission's experts to determine the extent to which such information was known to UNMOVIC.

6. The Commission's experts are conducting an investigation in parallel with the IAEA Iraq Nuclear Verification Office regarding the discovery of items from Iraq that are relevant to the mandates of UNMOVIC and IAEA at a scrapyard in the Netherlands. In particular, following a visit of IAEA to a scrapyard in Rotterdam to investigate increased radiation readings, it was discovered, through photographs taken at the time, that engines of SA-2 surface-to-air missiles were among the scrap (see figure below). They are the type of engines used in the Al Samoud 2 proscribed missile programme. In addition, a number of items and equipment that may also be relevant to the UNMOVIC mandate were seen among the scrap. The existence of missile engines originating in Iraq among scrap in Europe may affect the accounting of proscribed engines known to have been in Iraq's possession in March 2003. Both IAEA and UNMOVIC have kept the Security Council informed of this matter.

7. A team of Commission experts visited the site concerned in the Netherlands and examined one missile engine that had been salvaged from the scrap metal process. By comparing the serial production number on the engine with information in the UNMOVIC database, the experts were able to confirm that the engine was one from an SA-2 missile that had been tagged by United Nations inspectors in the past and had not been declared as having been fired. Representatives of the scrapyard company indicated that a number of similar engines (5 to 12) had been seen in the scrapyard in January and February of this year. More engines could have been processed and passed through the yard unnoticed. Company staff confirmed that other items made of stainless steel and other corrosion-resistant metal alloys bearing the inscription "Iraq" or "Baghdad" had been observed in shipments delivered from the Middle East since November 2003. A number of items were examined and sampled on-site by UNMOVIC experts with a portable metal analyser and were determined to be composed of inconel and titanium — both dual-use materials subject to monitoring. Photographs of other materials bearing Arabic script were taken.



SA-2 engine found in a scrapyard in Rotterdam, the Netherlands

8. Despite the active cooperation of the Government of the Netherlands and the company concerned, it was not possible to determine how many other engines and other material previously subject to monitoring in Iraq may have passed through this scrapyard (or others). It should also be noted that the scrapyard that was visited by UNMOVIC deals in high-quality stainless steel. Items and equipment made of dual-use materials subject to the provisions of the monitoring plan may also be coming out of Iraq to other destinations. The Commission is continuing its investigation.

9. In addition, the Commission is aware from comparative analysis of recent satellite imagery that a number of sites previously known to have contained equipment and materials subject to monitoring have been either cleaned out or destroyed. An example of such imagery is provided in the appendix to the present report. It is not known whether such equipment and materials were still present at the sites during the time of coalition action in March and April of 2003. However, it is possible that some of the materials may have been removed from Iraq by looters of sites and sold as scrap.

10. The Commission's imagery experts have compiled a short report on the uses of imagery and the Commission's capabilities in this area. An appendix summarizing this work is attached.

III. Compendium of proscribed weapons and programmes

11. One of the issues currently under examination by UNMOVIC in the framework of work on the compendium is the evaluation of Iraq's procurement network that operated from 1999 to 2002, the period in which inspectors were absent from Iraq. During this period, Iraq utilized a sophisticated procurement network for the acquisition of foreign materials, equipment and technology. It consisted of State-owned trading companies, established and controlled by the Military Industrialization Commission of Iraq, with branches in foreign countries, Iraqi private sector and foreign trading companies operating in Iraq and abroad, multiple intermediaries, chains of foreign suppliers of items and materials, bank accounts and

transportation companies. In several instances, the Iraqi State-owned trading companies had shares in foreign trading companies or were closely affiliated with local private trading companies.

12. The prime purpose of the evaluation is to identify whether this network has been used for the acquisition of proscribed single-use or notifiable dual-use items and materials that could have been utilized by Iraq in a biological, chemical or missile programme.

13. The bulk of the data for the evaluation came from the semi-annual monitoring declarations of Iraq, procurement information obtained during the course of inspection activities in Iraq from November 2002 to March 2003, notes of interviews and discussions with Iraqi officials and electronic files retrieved through the forensic computer exploitation carried out at facilities and establishments involved in procurement. The computer files alone constitute some 12,000 pages of procurement documents, most of which are in Arabic. The following are preliminary findings of the ongoing examination.

14. In general, from 1999 to 2002 Iraq procured a variety of dual-use biological and chemical items and materials, including chemicals, equipment and spare parts. To date, UNMOVIC has found no evidence that these were used for proscribed chemical or biological weapon purposes. Although some of the goods may have been acquired by Iraq outside the framework of mechanisms established under Security Council resolutions, most of them were later declared by Iraq to UNMOVIC in its semi-annual monitoring declarations.

15. However, in several instances Iraq provided misleading declarations regarding the suppliers and sources of the items and materials as well as procurement channels, claiming that they had been purchased on the local market. It appeared that they had been procured outside Iraq through private trading companies operating both in and outside of the country. There is much evidence that from 1999 to 2002 Iraq procured materials, equipment and components for use in its missile programmes. In several instances, the items procured were used by Iraq for programmes, such as the production of Al Samoud 2 missiles, that were determined by UNMOVIC in February 2003 to be proscribed. This can be illustrated by the acquisition of at least 380 SA-2 missile engines for Iraq's prime missile establishment by an Iraqi Government-owned trading company controlled by the Military Industrialization Commission through a local Iraqi trading company and a foreign trading company. UNMOVIC is currently analysing documents available to it in order to establish the source of the engines procured through the local trading company and of any additional SA-2 engines (or other missile-related items) that might have been procured by Iraq since 1999.

16. The same Iraqi governmental trading company was involved, through a contract with two foreign private companies, in procuring components and equipment for the manufacture and testing of missile guidance and control systems, including inertial navigation systems with fibre-optic and laser ring gyroscopes and Global Positioning System equipment, accelerometers, ancillary items and a variety of production and testing equipment. The list of items sought includes several that were not declared or shown to UNMOVIC during the course of its inspections. One Iraqi trading company was also involved in the procurement, through private trading companies, of different pieces of missile-related production equipment and technology. Several foreign private subcontractors were responsible for the

implementation of specific parts of the general contract. UNMOVIC is in the process of assessing the possible applications of items and technology outlined in that contract.

17. UNMOVIC is trying to identify the extent to which these contracts have been fulfilled and what has actually been delivered to Iraq as well as the sources of items, materials, components and technology.

IV. Other activities

18. Work on possible modifications to the ongoing monitoring and verification plan approved by the Security Council in its resolution 715 (1991) continues to take into consideration the changed circumstances in post-sanctions Iraq and the experience of monitoring operations carried out in the past. As mentioned in previous reports, this work also takes into account the need to harmonize the lists of items and technologies to which the export/import monitoring mechanism, approved by the Security Council in its resolution 1051 (1996), applies. The export/import lists were revised in 2001, whereas the annexes of items and materials subject to the ongoing monitoring and verification plan have not been updated since 1995.

V. Other issues

Information technology and non-inspection sources of information

19. The updating of the UNMOVIC database and the electronic archiving of documents are continuing.

20. The Office for Outside Information maintains contacts with representatives of Member States that have provided information to UNMOVIC pertaining to Iraq's proscribed weapon programmes. The Office continues to collect and analyse material from open sources that may be relevant to the work of the Commission. Photographic interpretation of post-war commercial satellite imagery of sites in Iraq relevant for inspection and monitoring is an ongoing activity.

Field offices

21. UNMOVIC maintains a core staff of 10 local nationals in Baghdad. They have inventoried and are protecting the non-expendable UNMOVIC and IAEA equipment remaining in the Canal Hotel, including the laboratories and the mobile chemical laboratory. The majority of the original 29 UNMOVIC local staff in Baghdad have found employment with the United Nations Assistance Mission for Iraq (UNAMI). The families of the two UNMOVIC national staff who were killed on 19 August 2003 have received their pension awards.

22. The Cyprus Field Office stores and maintains UNMOVIC inspection and monitoring equipment recovered from Iraq. On 6 April the Field Office moved to a more secure office location at the Larnaca airport, next to the UNMOVIC warehouse. Additional security precautions have been taken, including the installation of anti-shatter film on the windows, security cameras and blast curtains, incorporating lessons learned from the attack on the United Nations headquarters in Baghdad. The Field Office has shipped detection equipment and protective gear

from the warehouse to support a biological advanced course in the United Kingdom of Great Britain and Northern Ireland in March and a multidisciplinary advanced course in Austria in May. Also in May, the remote monitoring surveillance servers and cameras (25 systems) intended for use in monitoring in Iraq were inspected. The batteries were reconditioned to ensure that the systems were ready for rapid deployment, and the Field Office staff were trained to maintain the systems. Whenever appropriate, the Field Office staff provided logistical support to UNAMI flight operations.

Staffing

23. With regard to staffing, there has been no change in the numbers since the previous report. UNMOVIC core staff in the Professional grades at Headquarters totals 51 weapon experts and other personnel drawn from 24 nationalities; of those, 9 are women.

Technical visits, meetings and workshops

24. An UNMOVIC missile expert attended a seminar on unmanned aerial vehicles: missions, links and payloads, in Washington, D.C., to obtain an update on unmanned aerial vehicle technologies, programmes and trends. The objective was to be better informed as to how such vehicles might possibly be used or modified in ways relevant to ongoing monitoring.

25. An UNMOVIC expert attended a workshop in Washington, D.C., on biological threats and security hosted by the National Academy of Sciences and the United Nations Foundation. UNMOVIC staff also attended a workshop in London at which the challenges in verifying alleged production and use of biological agents and effective inspection modalities were discussed.

26. UNMOVIC biological and chemical experts met with representatives of leading companies in the areas of production, quality control, screening and sensors applied in the biological area during a conference and exhibition in New York. In addition, UNMOVIC staff attended a technology demonstration at the Aberdeen Proving Ground in Maryland, United States of America, featuring hand-held and portable devices for on-site detection, identification and monitoring of chemical and biological agents. New technologies will be integrated into UNMOVIC detection and safety-screening capability.

Training

27. During the reporting period UNMOVIC continued its training activities, in particular for experts from its roster. Specifically:

- A training course for biological experts on the roster was conducted from 23 February to 5 March, in Swindon, United Kingdom. The course, organized with the support of the British Government, was devoted to augmenting practical inspection skills to be used in monitoring inspections of biological sites. Thirteen experts from as many Member States attended the course. A practice inspection of a biological facility offered by the British Government was also conducted during the course.
- Another training course for the experts was conducted from 19 to 30 April at UNMOVIC headquarters in New York. This course focused on the

identification and inspection of dual-use biological and chemical production equipment. There were 17 participants from 9 countries.

- Enhanced training of Headquarters staff in equipment used in field operations and monitoring has continued.

- A multidisciplinary course was conducted in Vienna from 17 to 28 May with 22 participants from 14 countries and IAEA in attendance. This was the first course conducted with the objective of developing capabilities to carry out inspections by multidisciplinary teams and to conduct inspection data integration and analysis on a multidisciplinary and cross-disciplinary basis. The course included practical inspection exercises at a multi-purpose research facility and a visit to a plant for the production of remotely piloted vehicles. The Commission is grateful to the Government of Austria for the support it provided for the conduct of the course.

28. The Commission remains grateful to those Governments which have supported its training activities.

VI. College of Commissioners

29. The UNMOVIC College of Commissioners convened in Vienna for its sixteenth regular session on 25 May. As on previous occasions, observers from IAEA and the Organization for the Prohibition of Chemical Weapons attended.

30. In his introductory statement to the College, the Acting Executive Chairman outlined the work done by UNMOVIC staff since the previous meeting of the College. A briefing on the work undertaken to date on the compilation of a compendium of the nature and extent of Iraq's past proscribed weapons and programmes was provided to the College. Another briefing was on the Commission's informal analysis of the publicly released statement by the head of the Iraq Survey Group, following his appearances to the United States Congress in March of this year. Commission experts also briefed the College on the ongoing investigation of the discovery of Iraqi missile engines in a scrapyard in the Netherlands. In the light of the recent media reports on the finding in Iraq of a 155-millimetre shell containing the chemical nerve agent sarin, the Commission's experts also outlined what it knew of Iraq's programme in that area.

31. The College expressed its appreciation for the Acting Executive Chairman's comprehensive introductory statement and for the various detailed briefings on the ongoing work of UNMOVIC, particularly the work on the compendium and the comments on the testimony of the head of the Iraq Survey Group. It noted with concern the removal from Iraq of items that had been subject to monitoring and the destruction of sites associated with Iraq's weapon programmes and the possible implications both activities might have for the confirmation of disarmament and future ongoing monitoring. There was also a discussion of the future role of UNMOVIC and the use of its expertise. The College noted that the mandate of UNMOVIC to verify the disarmament of Iraq and to conduct ongoing monitoring and verification was still in place. The College underlined that the priority of UNMOVIC was to maintain its readiness to resume operations in Iraq until the Council revisits the mandate, as set out in paragraph 11 of resolution 1483 (2003).

32. Further consultations will be held with the members of the College on the date of the next session.

33. In accordance with paragraph 5 of resolution 1284 (1999), the Commissioners were consulted on the content of the present report.

Appendix

Imagery, remote-sensing and geographic information systems: capabilities and practices of the United Nations Monitoring, Verification and Inspection Commission*

Introduction

1. The United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) has made extensive use of remote-sensing and geographic information systems as part of its inspection planning tools and information/data management and analysis. The technological advances in software of recent years and the increased commercial availability of satellite imagery have allowed UNMOVIC to build up an independent information-gathering, search and analytical capability not previously available.

Remote sensing

2. Remote sensing is the science of acquiring information from a place or area without having an actual physical presence. This is achieved by sensing and recording reflected or emitted energy from the object in question. The image type employed depends on the goal to be achieved. For example, in preparing an on-site inspection it requires mapping and locating all structures and facilities within the area of interest. In the past, UNMOVIC was heavily dependent on Member States for imagery and the interpretation of it. The advantages of using commercial satellite imagery include self-reliance, flexibility and the timely delivery of information.

Inspection planning and data gathering

3. To prepare for an inspection or for data gathering, it is now possible to have, in a relatively short time, global high-resolution imagery of the areas of interest. Commercially available imagery now has a resolution of 0.60 metres. This compares with 10-metre resolution in 1991 when the United Nations Special Commission was established and 1-metre resolution in 2000 when UNMOVIC was set up. Resolution is a measure of the smallest object that can be determined by the sensor, or the area on the ground represented by each picture element (known as a pixel). Examples of the end product at different levels of resolution follow (see figures A.1-A.3 below).

* Imagery derived from the Quickbird satellite and obtained by UNMOVIC from Digital Globe.

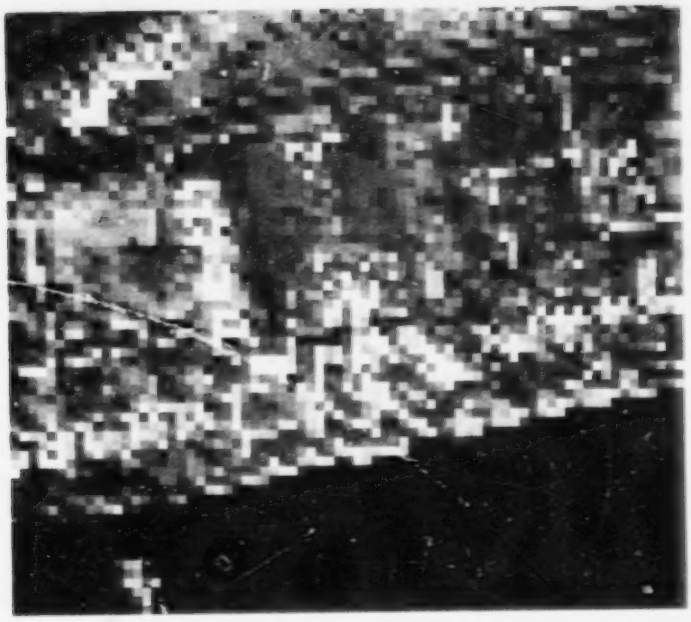


Figure A.1 Spatial resolution, 10 metres

Figure A.2 Spatial resolution, 5 metres

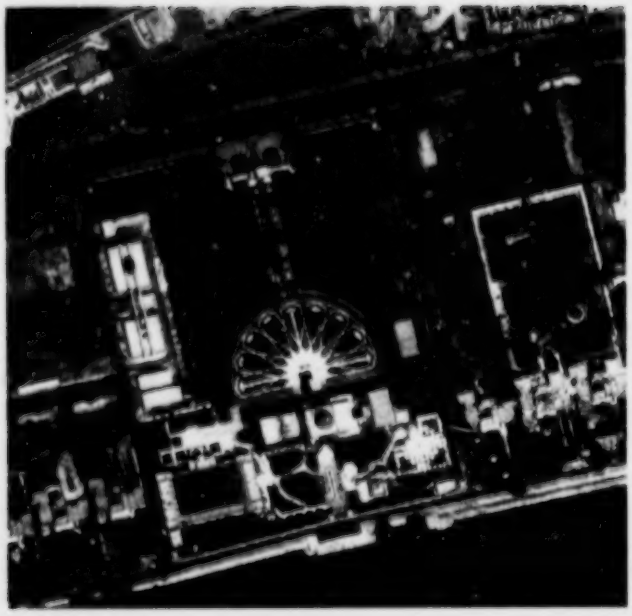


Figure A.3 Spatial resolution, 1 metre

4. Primarily, the imagery used for mapping and for creating line diagrams by UNMOVIC is derived from satellites whose spatial resolutions are 1 metre and 0.60 metre. Other satellites with a coarser spatial resolution are also used. As these larger spatial resolution images are able to produce an overview of bigger districts or the entire country, they are ideal for producing maps or diagrams with a larger scale.

5. The information gathered from the imagery results in the determination of the status of a site (activity), its layout and dimensions and possible function of particular structures. The UNMOVIC standards for producing these types of maps has been shared with the United Nations Geographic Information Working Group for possible wider use by other United Nations bodies that may take advantage of remote-sensing technology. UNMOVIC has recently provided technical assistance to produce maps derived from satellite imagery for the Department of Peacekeeping Operations in order to map borders. The standards developed by UNMOVIC were applied to the resulting product. There is continuous cooperation with the International Atomic Energy Agency as well as exchanges of imagery.

Monitoring capabilities

6. In addition to the mapping of sites in Iraq, remote-sensing data captured by satellites can be used to monitor specific sites over a certain period of time. Computer software has been developed that can search for changes in the physical configuration of sites or areas within two or more specific satellite images from different time frames. However, the value of this for short-term monitoring can be

limited by the fact that satellites pass a certain point of the Earth only at a particular time. This "revisiting time" varies between platforms. Some satellites have a revisiting time of one day, whereas other satellites revisit the same area every few days.

Recent findings

7. While sites in Iraq were being monitored for updates through satellite imagery, it was detected that some sites subject to monitoring by UNMOVIC had been cleaned up and equipment and material had been removed from the sites (see figures A.4 and A.5 below). In other areas, whole buildings that had previously contained equipment and materials subject to monitoring had been completely dismantled. The work continues to cover all known sites in Iraq.

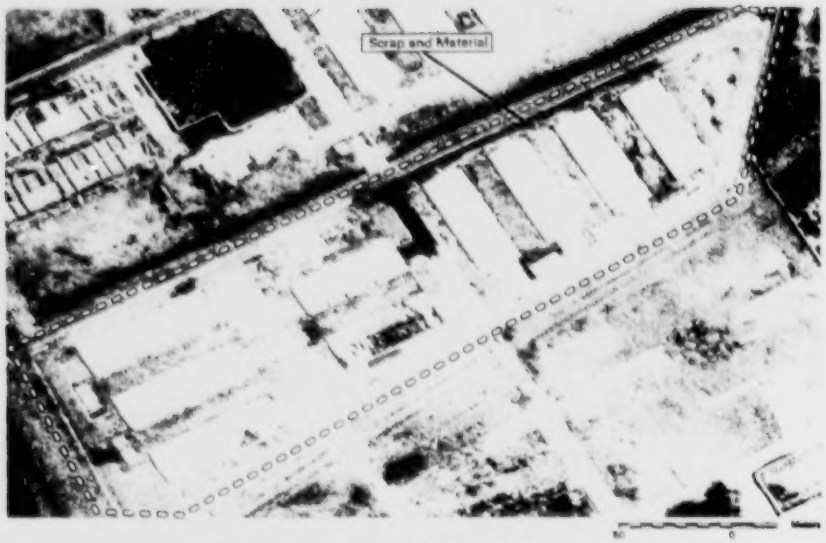


Figure A.4 Shumokh store site overview (28 May 2003)

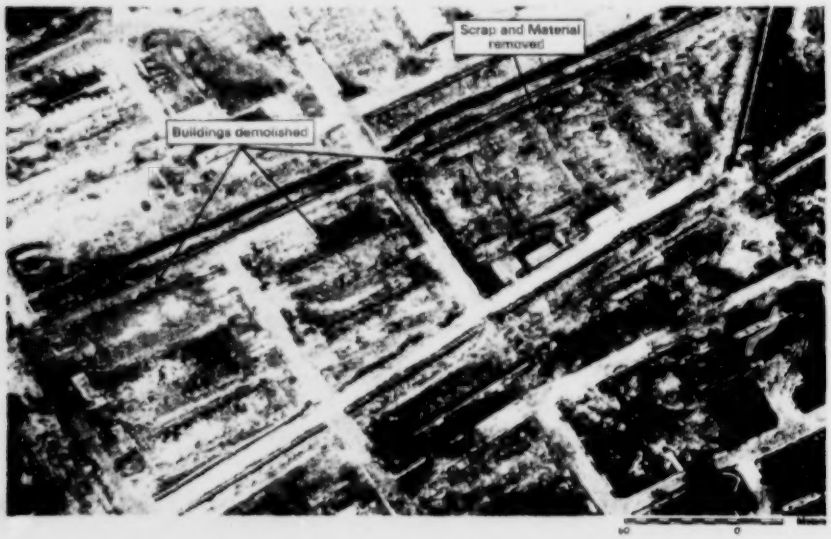


Figure A.5 Dismantled Shumokh store site (22 February 2004)

Geographic Information System

8. The Geographic Information System is a commercially available computer software system capable of storing, analysing, capturing and displaying geographically referenced material from the Commission's various databases and is used extensively by UNMOVIC. All the available information about a particular geographic site or area (maps, photographs, imagery, inspection reports, etc.) is pulled together and made available to the analyst. GIS and remote-sensing techniques are combined to create customized information layers in the various maps and line diagrams produced. The information extracted from the imagery can be directly linked to the existing database through data links. It can be used for data management and for the production of overview maps, specific maps, boundary maps and line diagrams from the Commission's extensive collection of maps, imagery and other data.

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Note by the President of the Security Council

1. Following consultations among the members of the Security Council, the members of the Council agreed to elect the chairman and vice-chairmen of the following committee for a period ending on 31 December 2004:

Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Chairman:
Alexander V. Konuzin* (Russian Federation)

Vice-Chairmen:
Abdallah Baali (Algeria)
Ismael Abraão Gaspar Martins (Angola)
Ronaldo Mota Sardenberg (Brazil)

2. The Bureau of the Counter-Terrorism Committee will be composed as above for the term ending on 31 December 2004.

* Pending the arrival of the new Permanent Representative of the Russian Federation to the United Nations.

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Report of the Secretary-General on his mission of good offices in Cyprus

Summary

On 13 February 2004, the parties in Cyprus committed to negotiating in good faith on the basis of the settlement plan dated 26 February 2003, to achieve a comprehensive settlement of the Cyprus problem through separate and simultaneous referenda before 1 May 2004. To this end, they agreed to a three-phase negotiation and finalization procedure.

In Phase 1 of the effort, the parties negotiated in Cyprus between 19 February and 22 March 2004. This effort did not produce significant progress at the political level. However, positive results were achieved at the technical level by experts from the two sides assisted by United Nations experts.

In Phase 2 of the effort, I convened a meeting of the two sides in Bürgenstock, Switzerland, beginning on 24 March 2004, with the participation of Greece and Turkey in order to lend their collaboration. Full use was not made of the opportunity for concentrated negotiations and consultations to agree on a finalized text by 29 March 2004, and agreement did not prove possible.

In Phase 3 of the effort, after consultations with the parties, I finalized on 31 March 2004 the text to be submitted to referenda on the basis of the plan, maintaining its overall balance while addressing to the extent possible the key concerns of each side.

The proposed Foundation Agreement in "The Comprehensive Settlement of the Cyprus Problem" as finalized was submitted to separate simultaneous referenda on 24 April 2004. It was rejected by the Greek Cypriot electorate by a margin of three to one, and approved by the Turkish Cypriot electorate by a margin of two to one. It therefore did not enter into force.

This outcome represents another missed opportunity to resolve the Cyprus problem. The effort over the last four and a half years has achieved a great deal which should be preserved. However, none of those achievements is a substitute for a comprehensive settlement.

The decision of the Greek Cypriots must be respected. However, it is a major setback. They may wish to reflect on the implications of the vote in the coming period. If they remain willing to resolve the Cyprus problem through a bicommunal,

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bizonal federation, this needs to be demonstrated. Lingering Greek Cypriot concerns about security and implementation of the plan need to be articulated with clarity and finality. The Security Council would be well advised to stand ready to address such concerns.

The decision of the Turkish Cypriots is to be welcomed. The Turkish Cypriot leadership and Turkey have made clear their respect for the wish of the Turkish Cypriots to reunify in a bicommunal, bizonal federation. The Turkish Cypriot vote has undone any rationale for pressuring and isolating them. I would hope that the members of the Council can give a strong lead to all States to cooperate both bilaterally and in international bodies, to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development — not for the purposes of affording recognition or assisting secession, but as a positive contribution to the goal of reunification.

There is no apparent basis for resuming the good offices effort while the current stalemate continues.

However, given the watershed that has been reached in efforts to resolve the Cyprus problem, a review of the full range of United Nations peace activities in Cyprus is timely, as outlined in the present report.

Introduction

1. I last comprehensively reported to the Security Council on my mission of good offices on 1 April 2003 (S/2003/398), although on 16 April 2004 (see S/2004/302) I submitted certain matters to the Security Council for its decision pursuant to the process that was then in train. The present report covers the period since April 2003, culminating in the referenda of 24 April 2004, when the proposed Foundation Agreement in the finalized "Comprehensive Settlement of the Cyprus Problem" was submitted for approval on each side. The Greek Cypriot electorate, by a margin of three to one, rejected the settlement proposal; on the Turkish Cypriot side, it was approved by a margin of two to one. Since the plan required approval on both sides, the Cyprus problem remains unsettled.

2. The referenda mark a watershed in the history of United Nations efforts in Cyprus. They are the first time that the people have been asked directly for their views on a settlement proposal. I fully respect the outcome on each side, and I have been reflecting on what they mean. The present report is the outcome of that reflection. It describes the effort recently completed and contains a series of observations about the opportunity missed, the implications of the vote on each side, and the way ahead.

The 13 February 2004 agreement

3. After the failure of the previous effort at The Hague on 10 and 11 March 2003, I informed the Security Council that I did not propose to take a new initiative unless and until there was solid reason to believe that the political will existed necessary for a successful outcome. To that end, I sought "an unequivocally stated preparedness on the part of the leaders of both sides, fully and determinedly backed at the highest political level in both motherlands, to commit themselves (a) to finalize the plan (without reopening its basic principles or essential trade-offs) by a specific date with United Nations assistance, and (b) to put it to separate simultaneous referenda as provided for in the plan on a date certain soon thereafter" (S/2003/398, para. 148).

4. These procedures were fully consistent with the position taken by the Greek Cypriot leader, Tassos Papadopoulos, at The Hague. Mr. Papadopoulos was at that time prepared to submit the plan to referendum provided certain procedural conditions were met (ibid., para. 56), and told me that he would want to support it. I was conscious that success could not be assured in any renewed effort, but I was sure that there was little prospect of success without the commitments of all concerned to the procedure set out above.

5. The Security Council in resolution 1475 (2003) of 14 April 2003 gave its strong support to my "carefully balanced plan" — namely, the "Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem" dated 26 February 2003 — as a "unique basis for further negotiations", and it called on all concerned to negotiate within the framework of my good offices, using the plan to reach a comprehensive settlement as set forth in paragraphs 144 to 151 of my report.

6. Most of 2003 was a fallow period in terms of my good offices. But I continued to follow developments closely, including the lifting of restrictions on crossings of

the buffer zone in April, and the December vote in the north of the island, which brought to the fore a new Turkish Cypriot leadership.

7. For its part, the Government of Turkey was putting together the elements of a new policy on Cyprus, which was conveyed to me by Prime Minister Recep Tayyip Erdoğan when we met in Davos on 24 January 2004. He told me that Turkey supported a resumption of negotiations. He expressed preferences for dealing with the main issues by 1 May 2004, and for a political figure to handle the negotiations, but was open to discussion on these points. He added that, as far as Turkey was concerned, it had no objection to my "filling in the blanks" in the plan should the parties not be able to agree on all issues. He assured me that, henceforth, the Turkish side, including the Turkish Cypriots, would be "one step ahead" in the effort.

8. Already in December, I had received from the Greek Cypriot leader a letter calling for the resumption of substantive negotiations on the basis of the plan. When I met him in Brussels on 29 January 2004, he reiterated this call, stressing categorically that he sought a solution before 1 May 2004. He told me that if a divided Cyprus joined the European Union, he did not know how many problems that would entail. He reassured me that he did not seek "forty or fifty" changes to the plan, and that all the changes he would seek would be within the parameters of the plan. We discussed his view that it would be better for negotiations to resume first before a decision was taken about going to referendum, and he said he would get back to me on his idea that there should be parameters to guide me should it fall to me to finalize the plan.

9. I also discussed the matter with the Government and the Leader of the Opposition of Greece. Both supported a renewal of my efforts, notwithstanding the prospect of a general election in Greece. The European Union, strongly preferring the accession of a reunited Cyprus on 1 May 2004, supported a resumption of the effort.

10. After weighing the situation, on 4 February 2004, I wrote to Mr. Papadopoulos and to Rauf Denktash, the Turkish Cypriot leader, inviting them to come to New York to begin negotiations on 10 February 2004. I wrote in similar terms to the Prime Ministers of the guarantor Powers — Greece, Turkey and the United Kingdom — inviting them to have a representative on hand for the resumption of negotiations. I suggested modalities which could give effect to the procedure contained in my 1 April 2003 report, so as to ensure that negotiations would be completed and the plan finalized by 31 March 2004, that the guarantors would be fully committed to meeting their obligations, and that referenda would be conducted on a fixed date in advance of 1 May 2004. My invitation was accepted by all parties.

11. On 10 February 2004, each leader put forward, at my request, an overview of the changes his side sought to the plan. However, at the initiative of Mr. Papadopoulos, he and Mr. Denktash agreed that they could not accept the procedure I had suggested, either relating to the finalization of the plan or the commitment to hold a referendum.

12. After I asked the parties to reflect overnight, Mr. Denktash changed his position on 11 February. He proposed a three-stage procedure which he informed me had the support of Turkey and which conformed broadly with the parameters I had proposed. The procedure enlarged the role foreseen for me, from completing any unfinished parts of the plan ("filling in the blanks") to resolving any continuing and

persistent deadlocks in the negotiations — thus ruling out the possibility, which each side regarded as unacceptable, of the plan going to referendum unchanged. After studying the proposal, Mr. Papadopoulos sought certain clarifications. To facilitate agreement, I then proposed a draft press statement which retained the core elements of Mr. Denktash's proposal, incorporated the clarifications sought by Mr. Papadopoulos, and built in other elements contained in my 4 February letter.

13. The final terms of this statement were negotiated over the course of the next 48 hours, culminating in a late-night shuttle on 12 and 13 February by my Special Adviser, Alvaro de Soto, between the leaders, as well as the representatives of Greece and Turkey. The main issues dividing the parties at the end were whether there should be an institutional participation in the negotiations by organizations other than the United Nations, and the way in which the role of Greece and Turkey in the culminating phases of the process would be presented.

14. On 13 February, I sent to all parties a final proposal to resolve these issues, to which all agreed. Accordingly, I was pleased to announce the terms of what became known as the 13 February agreement, which committed the parties to a three-phase process leading to referendum on a finalized plan before 1 May 2004 (see annex I).

The first phase of the process in Cyprus between 19 February and 22 March 2004

15. The negotiations reconvened in Cyprus on 19 February 2004, in the United Nations Protected Area, with meetings at the political level between the leaders accompanied by their delegations in the presence of my Special Adviser and his delegation. On the Turkish Cypriot side, in addition to Rauf Denktash, the delegation included Mehmet Ali Talat and Serdar Denktash. In New York and during the first phase, the United Nations dealt with them as a triumvirate who together spoke for the Turkish Cypriot side.

16. Following the opening meeting on 19 February 2004, at the invitation of my Special Adviser, the European Commissioner for Enlargement, Günter Verheugen, briefed the leaders jointly on the European Union position concerning accommodation of a settlement, underlining also the Union's strong desire for a positive outcome.

17. In the initial meetings on the island, the leaders elaborated on the changes they had presented to me in New York on 10 February. The Greek Cypriot side stated that its primary objective was to improve what it called the workability of the plan, so as to render more functional, and therefore more viable, the United Cyprus Republic (which was to be the end result of the negotiation). The Turkish Cypriot side stated that its primary objective was to strengthen what it called bizonality, by which it meant the Turkish Cypriot character of the Turkish Cypriot State, and the maintenance of political equality over time, within the United Cyprus Republic.

18. After initial discussions, my Special Adviser clustered the issues for consideration, and asked the parties to explain in specific terms, including proposed textual amendments, the changes they sought to the plan, with a view to facilitating negotiation.

19. The Turkish Cypriot side submitted on 24 February 2004 a list of proposed textual changes to the plan, covering all issues. While that paper had the virtue of

concision and of making clear the shape of the Turkish Cypriot side's demands in a single package, it proposed far-reaching changes, a number of which would have substantially altered key parameters of the plan. My Special Adviser explained this to the Turkish Cypriot side and to Turkey, and informed the Greek Cypriot side that he had done so. In suggesting agendas for meetings, and in pursuing discussions of the items clustered for consideration, my Special Adviser left aside Turkish Cypriot demands which were clearly outside the parameters of the plan. Despite United Nations requests, it was not until mid-March that the Turkish Cypriot side replaced their initial paper with a less far-reaching set of proposed textual amendments, described as a priority list. Also, despite the interest expressed by the Turkish Cypriot side in straightening the boundary between the constituent states, it failed to produce a territorial proposal, or to propose a way for the issue to be discussed.

20. The Greek Cypriot side, by contrast, took each issue in turn, and produced dense and lengthy papers, one after another, explaining the changes sought and annexing proposed textual amendments. They argued that piecemeal presentation of positions for discussion following the clusters suggested by the United Nations would assist in producing, down the line, more refined proposals. As they continued to present papers, it became apparent that the 10 February paper summary of Greek Cypriot demands was far from exhaustive. The Greek Cypriot side declined to provide a comprehensive paper of all the textual amendments it sought until mid-way through Phase 2 (in Bürgenstock, Switzerland), and declined to prioritize its demands, despite my Special Adviser's request of 15 March to both sides to do so.

21. The Greek Cypriot side stated that none of its proposed changes took away any rights from Turkish Cypriots, and therefore that few, if any, of its amendments should require trade-offs on subjects of interest to the Turkish Cypriots, notwithstanding the perception of those amendments on the Turkish Cypriot side. By contrast, the Turkish Cypriot side was generally prepared to engage on Greek Cypriot proposals and to discuss matters on a realistic basis, and sought to make counter-offers and compromise proposals.

22. The Greek Cypriot side regularly insisted on full satisfaction of its demands, while arguing that the Turkish Cypriot paper of 24 February was outside the parameters of the plan and thus precluded engagement with Turkish Cypriot proposals. When the Turkish Cypriot side produced a priority list on 18 March, this did not alter the Greek Cypriot attitude to Turkish Cypriot concerns. (That paper, together with the letter of transmittal from the United Nations to the Greek Cypriot side, found its way into the press.) The Turkish Cypriot side argued that the Greek Cypriot delay in exposing the extent of their demands was preventing the beginning of real negotiation, and amounted to filibustering. The Greek Cypriot side countered that the Turkish Cypriot failure to produce a territorial proposal left a hole at the centre of Turkish Cypriot demands, and left the Greek Cypriot side in the dark. While the discussions were therefore far less fruitful than they might have been, at least, by mid-March, the vast bulk of the material was on the table.

23. An additional factor inhibiting frank discussions at the table was the regular public disclosure of the contents of the negotiations, usually with a negative spin, either by Greek Cypriot leakage, or by the daily oral briefings of Mr. Denktash to the press, ostensibly for the Turkish Cypriot public.

24. With little progress being made at the table, the United Nations sought to have regular working-level contacts with members of the delegations on each side to

elicit greater frankness and float possible areas of compromise. The Turkish Cypriot side was relatively open in such consultations, the Greek Cypriot side less so. An additional difficulty was that accounts of bilateral meetings between my Special Adviser and the Greek Cypriot leader, at least when teams were present, often turned up in the press presented in a negative light. The Greek Cypriot leader told my Special Adviser that he deplored such leaks.

25. Since it was proving difficult to make progress through either face-to-face meetings or working-level bilateral consultations, my Special Adviser suggested that the direct meetings be halted and that, beginning on 15 March, he shuttle between the leaders in an effort to narrow differences and facilitate give and take in the run-up to Phase 2 of the process — a format to which each side readily agreed. He put to each side a framework to allow for trade-offs, and sought to elicit from them the clear identification of priorities, reaffirming that the package of overall changes to the plan would have to be balanced across all issues.

26. The Greek Cypriot side was critical of the framework suggested, while the Turkish Cypriot side responded more positively. The asymmetry of the response, together with the mini-crisis provoked by Mr. Rauf Denktash's decision not to attend Phase 2 of the process, prevented the United Nations from proposing trade-offs on the major issues in the time that remained during Phase 1. However, the United Nations focused on at least clearing away some of the secondary issues in the negotiation before the end of Phase 1. For this purpose, the leaders were brought together for one last meeting on the island on 22 March 2004. This was the last occasion on which Mr. Rauf Denktash participated in the process.

27. During this first phase, representatives of Greece and Turkey also met in Athens on 17 March 2004, at the invitation of the United Nations, to discuss security. In these talks, a number of issues were ironed out, but others were deferred until Bürgenstock.

28. I myself kept a close eye on the effort under way, being regularly briefed by my Special Adviser, and sending the Under-Secretary-General for Political Affairs, Kieran Prendergast, to the island twice to review developments with Mr. de Soto and his team and the leadership on both sides.

29. In contrast to the slow progress at the political level, the participants in the seven technical committees established by agreement of the leaders under the chairmanship of the United Nations produced extremely positive results. Their work produced 131 completed laws and cooperation agreements (running to 9,000 pages), a list of 1,134 treaties and instruments binding on the United Cyprus Republic, a recommendation from among 1,506 entries of a flag for the United Cyprus Republic, a recommendation from among 111 entries of an anthem for the United Cyprus Republic, a series of detailed recommendations on the economic and financial aspects of the plan and its implementation, the organizational charts of the federal government, comprising 6,181 positions, and a list of buildings on each side to house the federal government during a transitional period. In total, almost 300 Greek Cypriots and Turkish Cypriots were involved in the technical discussions, supported by a team of some 50 United Nations experts, many of whom were seconded by the European Commission and other friendly Governments and institutions, notably the Governments of Canada, the Netherlands, Germany, Luxembourg, Switzerland and the United States of America, and the European Central Bank, the International Monetary Fund and the World Bank, as well as the United Nations Development

Programme/United Nations Office for Project Services and the Office of the United Nations High Commissioner for Refugees. At the height of the effort, it was normal for 12 subcommittee meetings to be held simultaneously, in addition to bilateral discussions with the parties. An overview of their work may be found in annex II to the present report.

The second and third phases of the process in Bürgenstock between 24 and 31 March 2004

30. By early March, it was apparent that Phase 1 was unlikely to produce final agreement. I decided that Phase 2, and if necessary Phase 3, should take place in a setting that lent itself to the "concentrated effort" that was required, by ensuring that all participants would be available to the United Nations and to each other round the clock. This was all the more important given the amount of material that had to be digested and negotiated if agreement were to be reached by 29 March 2004. I was also determined to ensure that, if the burden fell to me to finalize the text by 31 March 2004, I should do so in close consultation with all concerned.

31. I therefore took up the generous offer of the Government of Switzerland to make available premises in Bürgenstock, a hotel complex near Lucerne, beginning on 24 March. In response to my invitation, Mr. Papadopoulos said he would attend, while Mr. Denktash indicated that he would not do so, but authorized Mr. Talat and Mr. Serdar Denktash to negotiate with full powers on behalf of the Turkish Cypriots. The Foreign Ministers of Greece and Turkey agreed to come to Bürgenstock, to be joined on 28 and 29 March by their respective Prime Ministers. I myself would join the effort on 28 March. The European Commissioner for Enlargement also joined us at Bürgenstock on 29 March.

32. With all the players under one roof in Bürgenstock, and basically all the material on the table, there should have been real incentive for the participants to try to agree on the finalized plan. Given that everyone was aware that it might fall to the United Nations to finalize the plan, there was also every reason for the parties to impress upon the United Nations their key priorities, and to intimate what changes they might be prepared to live with to accommodate the other side.

33. When, on 24 March, my Special Adviser proposed an opening meeting of the two leaders, with Greece and Turkey present in order to lend their collaboration, the Greek Cypriot side indicated that it did not wish to meet in this format. For its part, Turkey indicated that it did not see the point of having come to Bürgenstock if Greece and Turkey could not be present in meetings in order to lend their collaboration, in view of the 13 February agreement.

34. It was therefore not possible to arrange direct meetings, in the absence of which my Special Adviser, and I myself after my arrival, hosted social gatherings which broke the ice among the participants but did not lead to real negotiation between or among them. Instead, the United Nations shuttled between the parties to the extent possible, in an effort to broker areas of agreement.

35. However, these efforts were complicated by the fact that my Special Adviser was, on a number of occasions, not able to meet the Greek Cypriot leader at Bürgenstock, due to Mr. Papadopoulos' other commitments in Bürgenstock and Brussels. With the first day taken up with procedure, and no meetings with the

Greek Cypriot leader on the following three days, full use was not made of four of the six days available for this critical negotiation.

36. On 25 March 2004, the United Nations confidentially sent to the leaders a series of papers for their comment and reaction, including a framework for signing an agreement should one emerge by 29 March. This framework was designed to address key concerns of the two sides related to legal security issues. The Turkish Cypriot side conveyed to the United Nations its reaction to this framework. The Greek Cypriot side did not but publicly indicated concerns about it.

37. The Greek Cypriot side did not produce a consolidated list of demands until 25 March 2004 — which ran to 44 pages. At no stage was there any indication of priorities among these demands. The Turkish Cypriot side and Turkey had repeatedly asked for a list of priorities in response to theirs, indicating that they were prepared to meet certain Greek Cypriot demands as part of a series of trade-offs. While in some areas progress was made through working-level contacts — notably property and residency, where the United Nations discussed with members of the negotiating teams a package of improvements and received positive reactions — overall, the opportunity was not taken for open and frank dialogue at Bürgenstock.

38. Only after all opportunities for dialogue had been exhausted, and every effort made to sound the parties out on possible changes, did I make a series of bridging proposals, presented in the form of a revised text with changes highlighted for ease of consideration (together with bridging proposals on the relatively small number of outstanding issues in the work of the laws and treaties committees).

39. Following these bridging proposals, the Turkish Cypriot side and Turkey made a number of comments and proposals for further amendments. Each indicated that it would be prepared to sign the plan to authenticate it as the text to be submitted to referendum.

40. The Greek Cypriot side was dissatisfied with my bridging proposals and made this clear publicly. This negative public reaction was reflected in the resulting media coverage on the Greek Cypriot side, aided by a misreading, based on information dribbling out of the talks, of what the Turkish side had apparently sought and obtained. In reacting to my proposals on 30 March, the Greek Cypriot side for the first time communicated its views on the proposals the United Nations had transmitted regarding a framework for signature. This was also the first occasion that the Greek Cypriot side expressed interest in specified pieces of additional territory. Greece expressed its concern about certain aspects of the security provisions of the settlement.

41. By this stage, and with agreement clearly not achievable, the process had moved to Phase 3 as envisaged in the 13 February agreement, in which I would use my discretion, in the event of continuing and persistent deadlock, to finalize the text on the basis of my plan. Eventually, at close to midnight on 31 March 2004, I presented a finalized plan, which included further changes beyond those already suggested in my bridging proposals, including certain alterations of those proposals. As the plan, at this stage, no longer provided for signature, the covering pages included in all previous versions were omitted, and instead the plan was submitted under cover of a letter which outlined the procedures to be followed during April in the run-up to the referenda.

The structure of the finalized plan

42. "The Comprehensive Settlement of the Cyprus Problem" dated 31 March 2004, as finalized on that date and technically corrected by corrigenda and clarifications dated 18 April 2004, has been made available in the original English to the members of the Security Council (and may be viewed at www.annanplan.org or by calling extension 3-9002). It comprises the following appendices:

A. Foundation Agreement

This included the 14 Main Articles of the Foundation Agreement (which summarize the key elements of the plan), to which were annexed the Constitution of the United Cyprus Republic, its constitutional laws, its Federal Laws, the Cooperation agreements between the federal government and the constituent states, the list of international treaties and instruments binding on the United Cyprus Republic, the territorial arrangements, the provisions relating to property affected by events since 1963, the provisions establishing the Reconciliation Commission, and the provisions on the coming into being of the new state of affairs in Cyprus. This was the part of the plan that was put to referenda on 24 April 2004, a date fixed in Bürgenstock after consultation with all parties.

B. Constituent state constitutions

The respective constituent state constitution, which had been checked for consistency with the Foundation Agreement and exchanged for information between the two sides, was also put to referendum on each side on 24 April.

C. Treaty on matters related to the new state of affairs in Cyprus

This treaty provided for a Monitoring Committee and for Additional Protocols to the Treaties of Establishment, Guarantee and Alliance, as well as transitional security arrangements related to dissolution of local forces and withdrawal and redeployment of Greek and Turkish forces. Following the completion of all internal ratification procedures by the guarantors after the referendum, this treaty was to be signed into force on 29 April 2004; the Foundation Agreement would only enter into force once the guarantors had signed this treaty into force, thereby bringing into being the new state of affairs in Cyprus, after which the Co-Presidents of the United Cyprus Republic would sign, bringing the Treaty itself into force.

D. Draft Act of Adaptation of the terms of accession of the United Cyprus Republic to the European Union

This instrument was prepared in close consultation with the European Commission and would accommodate the settlement in line with the principles on which the European Union is founded. The Council of the European Union would have taken this up before accession on 1 May 2004.

E. Matters to be submitted to the Security Council for decision

This contained the elements on which the Security Council was to take decisions to enter into force simultaneously with the Foundation Agreement, by which the Council would endorse the Foundation Agreement, prohibit the supply of arms to Cyprus, and authorize a United Nations operation (as fully elaborated in my report of 16 April 2004 (S/2004/302)). Mr. Papadopoulos subsequently indicated his desire that the Foundation Agreement not be endorsed prior to referendum, a view which was taken on board and conveyed to the Security Council.

F. Measures to be taken during April 2004

This contained a work programme for April to ensure that the federal public service and federal property and buildings would be provided for, that a list of no more than 45,000 persons would be provided for the purposes of the federal citizenship law, and that the members of the transitional government would be identified should the referenda be successful.

A summary of the main improvements made in the finalized plan

43. Given the many hundreds of pages of papers submitted in the process, the number of meetings and discussions with the parties, and the intensity of the effort, it is impossible to provide a full negotiating history of every change made in the plan, and it would tax the patience of even the keenest reader were all the clarifications provided and minor improvements made to the plan to be detailed in the present report. What follows is a summary of key changes made. This account assumes knowledge of the plan as it stood when negotiations resumed — a description of which is provided in paragraphs 61 to 128 of my report of 1 April 2003 (S/2003/398). The changes made in the finalization process were designed to address to the extent possible the key outstanding concerns conveyed by the leaders to the United Nations, bearing in mind the attitude of both parties, and the need to maintain the overall balance.

Improvements largely inspired by Greek Cypriot concerns

44. For the Greek Cypriot side, the plan was significantly improved to address its concerns regarding the functionality of the federal government. The Presidential Council was enlarged from six to nine members (with the additional three being non-voting). The offices of President and Vice-President would not rotate among all members through the five-year term of the Council, but instead alternate on a 20-month basis between one member from the Greek Cypriot State and one member from the Turkish Cypriot State, starting with the former (who would thus be President for 40 of the 60 months). The period of transitional government was shortened from 30 months to 2 months, and its character altered by eradicating the transitional executive Co-Presidency. The arrangements for cooperation relating to European Union affairs were streamlined, the structure of the Central Bank was overhauled, and a Court of Primary Federal Jurisdiction was created, all inspired by Greek Cypriot proposals. The already overburdened technical committees were pressed to complete all 131 federal laws (almost all based on Greek Cypriot drafts), the list of treaties binding on Cyprus, and a blueprint for the federal public service,

to ensure that in all these vital areas the United Cyprus Republic would be fully functional from day one. A range of economic and financial improvements were also made to the plan, which largely reflected recommendations agreed at the technical level between the parties.

45. The Greek Cypriot side was also concerned that the plan be fully and completely implemented, and sought assurances that Turkey and the Turkish Cypriots would honour their side of the bargain. To this end, the mode of entry into force was changed to ensure that the guarantor Powers would be fully and irrevocably legally committed to the settlement upon signature, with all necessary internal parliamentary approval or ratification procedures already completed. The Monitoring Committee foreseen in the plan was strengthened, and the role of the United Nations in monitoring political developments was enhanced.

46. To provide additional assurances regarding implementation, provision was made for the United Nations to assume territorial responsibility over areas subject to territorial adjustment in the last phase before transfer, as explained in paragraph 34 of my 16 April 2004 report (S/2004/302). I did not propose a full-blown United Nations administration of these areas from day one, since this was not a scene of fresh conflict or strife and there existed a functioning administration. The approach was designed to address the Greek Cypriot concern that territory be handed over on time and in good order, and to give reassurance that this was not dependent on the goodwill of the other side. (It would, of course, remain within the ambit of the Security Council to mandate different arrangements should it so wish.)

47. On other aspects of security, the Greek Cypriot proposal to add a reference to the commitment of Cyprus and the guarantor Powers to international law and the Principles of the Charter of the United Nations was incorporated. As for troop levels permitted under the Treaty of Alliance, which stood at 6,000 under the plan on which the parties were negotiating, the Greek Cypriot concern that these be significantly reduced was met, in exchange for meeting a Turkish Cypriot concern that a symbolic presence be permitted in accordance with the levels provided for in the Treaty of Alliance (i.e., 950 Greek troops and 650 Turkish troops), even after the European Union accession of Turkey.

48. Another area of concern for the Greek Cypriot side related to the rights of displaced and dispossessed persons — a subject on which Mr. Papadopoulos did not initially propose changes, but which he reserved the right to reopen if the Turkish Cypriot side were to do so, which indeed it did. The property scheme was radically overhauled by removing all overall ceilings on property reinstatement, and instead providing that most Greek Cypriots would have some property reinstated in the Turkish Cypriot State (usually their former home and one third of the land, though more (often all) for small landowners, and all for returnees to four Karpas villages and the Maronite village of Kormakiti). The effect of this change was that the overall amount of property in the Turkish Cypriot State eligible to be reinstated to Greek Cypriots would be roughly doubled as compared with the previous version of the plan, and more evenly distributed among the dispossessed. The Property Board was restructured and the scheme was backed by guaranteed bonds and certificates linked to real property assets to enhance economic viability. While residency ceilings were slightly lowered as part of the package discussed with all parties at Bürgenstock, they were also made to rise earlier, thus bringing forward the day when Greek Cypriots could begin returning to their homes. Restrictions on the

establishment of secondary residences by Cypriot citizens anywhere in Cyprus were removed.

49. The Greek Cypriot side was also concerned that there should be no permanent derogations from the European Union *acquis*. All permanent derogations were removed, including what had been a permanent facility for the Turkish Cypriot State to impose restrictions on purchase of property in the Turkish Cypriot State (which had, in any case, to be non-discriminatory, so that no Greek Cypriot could be precluded if any other non-resident of the Turkish Cypriot State was permitted). As revised, any restrictions would be removed after 15 years. A Catalogue of Human Rights, enforceable in Cypriot courts, was included in the Constitution, based on the European Convention.

50. A final area of concern for the Greek Cypriot side related to citizenship, in particular of Turkish nationals who have settled in Cyprus. Provision was made in the relevant law that anyone who did not obtain permanent residency rights in accordance with the plan had to leave Cyprus within five years. The Greek Cypriot concern that there be no continuous flow of Turkish immigrants to Cyprus was met by the introduction of a safeguard mechanism related to Greek and Turkish immigration (instead of the permanent quota that had been provided for in the plan, which could, theoretically, have been regularly refilled). In accordance with federal law as provided for in the plan, the Immigration Board and the Supreme Court would be compelled to ensure the imposition of such restrictions in order to maintain the ratio of Greek and Turkish speakers living permanently in Cyprus.

Improvements largely inspired by Turkish Cypriot concerns

51. For their part, the Turkish Cypriot side sought to strengthen the bizonal character of the settlement. To this end, I introduced a modest reduction in residency ceilings, itself part of a largely agreed package of changes related to property affected by events since 1963, which doubled the amount of property that could be reinstated to Greek Cypriots. The Turkish Cypriots were ready to accept this change because it abolished the long-term lease option for dispossessed owners and provided greater simplicity and certainty for current users in a faster process, thus reducing the potential economic impact of the property scheme on the Turkish Cypriot State. I also introduced a safeguard clause related to the establishment of residency, mirroring the safeguard related to immigration mentioned above, under which the Turkish Cypriot State could act to ensure that no less than two thirds of its Cypriot permanent residents spoke its official language as their mother tongue (this would effectively allow over time some 100,000 Greek Cypriots to take up permanent residence in the Turkish Cypriot State, in addition to the unlimited provision for secondary residence).

52. The Turkish Cypriots were concerned to safeguard their political equality from being undermined in the long term by Greek Cypriots establishing residency in the north and seeking Turkish Cypriot internal constituent state citizenship status. This was addressed by providing for voting for federal Senators on the basis of mother tongue rather than internal constituent state citizenship status, though this basis was retained for the exercise of all other political rights at the federal level (while political rights at the constituent state and local level were exercised at the place of residency). To offset the alterations made to the transitional government to accommodate the Greek Cypriot side's concerns, provision was made for the first

President and Vice-President of the Presidential Council to rotate on an equal basis. The Turkish Cypriot concern regarding their relationship with the more numerous Greek Cypriots was addressed with language noting that neither side could claim authority or jurisdiction over the other.

53. Another key Turkish Cypriot concern related to the legal security of the settlement from challenge in European Union courts or in the European Court of Human Rights. On the former, the European Commissioner for Enlargement, consistent with the European Union's policy of accommodation of a settlement in line with the principles on which the European Union is founded, informed me that the Commission was committed to submitting the draft Act of Adaptation contained in the plan for consideration by the Council of the European Union prior to 24 April 2004, and for its adoption after a successful outcome of the separate simultaneous referendum before 1 May 2004. He also informed me of the Commission's commitment to bringing about a final outcome, without delay, which would result in the adaptation of primary law and ensure legal certainty and security within the European legal system for all concerned. Regarding the European Court of Human Rights, the plan on which the parties had committed to negotiate already provided for the United Cyprus Republic to request the Court, in accordance with its procedures, to strike out any proceedings currently before it concerning affected property. The finalized plan elaborated on this by including draft letters by which the federal government would inform the President of the European Court of Human Rights and the President of the Council of Europe that the settlement established a domestic mechanism for dealing with claims to affected property, and that to this end the United Cyprus Republic would be the sole responsible State party concerning such matters, and would request the Court to strike out any proceedings before it to allow the domestic mechanism to proceed. Individual right of recourse to the European Court of Human Rights should the domestic remedy prove inadequate was in no way limited.

54. The changed mode of entry into force of the settlement described above not only eased Greek Cypriot concerns, but also addressed Turkish concerns that the matter should be brought for approval by the Turkish Grand National Assembly only after the Turkish Cypriots had given their verdict on the plan.

55. Another Turkish Cypriot concern related to security was accommodated by allowing Turkey and Greece to station symbolic force levels as already provided for under the 1960 Treaty of Alliance (namely, 650 Turkish troops and 950 Greek troops) even after European Union accession, in exchange for considerably reducing the numbers in the interim. This arrangement would be subject to regular reviews with a view to eventual total withdrawal by mutual consent.

56. A further Turkish Cypriot concern arose from the fact that, under the plan, nearly a quarter of the Turkish Cypriots would be required to relocate in the period after a settlement due to the territorial adjustment. To assist this process, the Relocation Board's range of activities was strengthened, the time period for adjustment of territory was extended by six months, and the Turkish Cypriot State would be entitled, for a transitional period, to maintain a slightly larger number of police than under the previous version of the plan.

57. Although it was accepted that the federal government would be fully functioning from the moment the Foundation Agreement entered into force, the Turkish Cypriots were concerned that they would need more time in practical terms

to make the necessary economic and structural adjustments and hence sought modified transitional periods, in particular regarding harmonization issues. To this end, a federal law was introduced suspending the application in the Turkish Cypriot State of certain federal laws which transposed provisions of the *acquis communautaire*. In a similar vein, the Central Bank law included provision for a branch in the Turkish Cypriot State (but within the central structure) with clearly defined functions. Its purpose and functions would be reviewed after six months by experts from the International Monetary Fund and the European Union, and it could only be extended beyond one year by agreement.

Provisions of the plan which remained unchanged

58. A number of provisions of the plan were not materially altered. I will not describe them all, but shall mention a few that have been the subject of particular discussion.

59. The map was not changed. In accordance with the map, a majority of displaced Greek Cypriots could return to their homes under Greek Cypriot administration, and about a quarter of the Turkish Cypriots would need to be relocated. The Turkish Cypriot side expressed a desire for a straighter boundary between the constituent states, but never submitted a proposal to give effect to this. (They and Turkey did discuss certain territorial ideas informally with the United Nations.) Eventually, at Bürgenstock, they decided that, while they were not satisfied with the map in the plan, they would not propose an alternative. The Greek Cypriot side had indicated throughout that it would not reopen the territorial issue if the other side did not. (The Greek Cypriots did not discuss their own territorial ideas, even informally, with the United Nations.) Eventually, the Greek Cypriot side departed from this position on 30 March 2004, when it expressed for the first time interest in specific pieces of territory, but proposed as a trade-off something that had already been included as part of my bridging proposal.

60. The number of persons entitled to citizenship under the plan was not changed. The controversy related to the proposed list of no more than 45,000 persons on each side, a provision which had been carefully developed during the previous effort as described in my 1 April 2003 report (S/2003/398, para. 106). The Greek Cypriot side proposed to reduce this number; the Turkish Cypriot side proposed to increase it. It is worth noting that during the talks, Mr. Papadopoulos claimed that there were 119,000 "settlers" in Cyprus. (This claim accorded with the Greek Cypriot position in 2002 at the table, which was that there were 115,000 such persons in Cyprus, and that the Greek Cypriot side could provide a list of their names and place of origin in Turkey). If the Greek Cypriot figures are correct, then about half of the "settlers" would not receive citizenship or residency and would, in accordance with federal law, have to leave Cyprus. The Greek Cypriot figures are disputed by the Turkish Cypriot side.

61. Other than the addition of the reference to international law and the Principles of the Charter of the United Nations in the covering treaty, the provisions of the plan related to the Treaty of Guarantee did not change. The Greek Cypriot side did not propose any changes to the Treaty when discussing security issues in Cyprus, although Greece did so in its security talks with Turkey, and the Greek Cypriot side eventually did in a paper at Bürgenstock. The Turkish Cypriot side and Turkey opposed any change, and pointed out that understandings had been reached on these

issues in 2002 (on which see paragraph 120 of my 1 April 2003 report to the Security Council). In view of this fact, I did not modify this aspect of the plan in the absence of agreement to change it. The provisions are consistent with the Greek Cypriot side's long-stated position (with which the Turkish Cypriot side and Turkey do not agree) that the Treaty confers no unilateral right of military intervention. In any case, these provisions would apply in a totally different context from the 1960s and 1970s, namely, the full membership of the United Cyprus Republic in the European Union.

62. There were, in addition, a number of points from each side not incorporated into the final plan because they were outside its parameters, more of them from the Turkish Cypriot side. One example was a Turkish Cypriot proposal for separate majorities in the Senate on certain matters — a proposal contrary to a parameter of the plan that there should be no vetoes or requirement of separate majorities. Another was a Greek Cypriot proposal for strictly limiting the vote in the referendum in the north, to persons who were members of the two communities in 1963, as defined in the 1960 Constitution, and their descendants — a proposal which, aside from its apparent impracticability, would require the Turkish Cypriot side to accept the Greek Cypriot side's interpretation of the legal situation prior to the coming into being of the new state of affairs, which would have been contrary to the concept of the plan that neither side be required to do so.

Developments from 1 April until the referenda on 24 April

63. After Bürgenstock, as indicated in annex II, a number of the technical committees continued and finalized their work. I was also glad to receive, from the two sides, lists of persons numbering less than 45,000 to acquire citizenship upon entry into force of the Foundation Agreement. I also received the confirmation that I had requested from the Governments of Greece, Turkey and the United Kingdom that they agreed to the submission of the plan to referendum, and that, upon its approval and completion of their internal ratification procedures, they would sign into force the Treaty on matters related to the new state of affairs by 29 April 2004. (Turkey's initial letter had some ambiguities on this score, which I immediately took up, and on which I received satisfactory written clarifications.)

64. Meanwhile, after their return from Bürgenstock, the leaders on each side began to take positions regarding the 24 April referendum. On the Turkish Cypriot side, Mr. Talat came out strongly in favour of a "Yes" vote, while Mr. Rauf Denktash opposed it, and Mr. Serdar Denktash, after some consultation, took a neutral position. Prime Minister Erdoğan of Turkey spoke out strongly in favour of a "Yes" vote, as did Turkish Foreign Minister Gül. Messrs. Erdoğan, Gül and Talat also sought to convey to the Greek Cypriot public, by statements and interviews, and, in the case of Mr. Talat, by visiting the south, the determination of the Turkish Cypriots and Turkey to abide by their commitments under the plan and fully implement a settlement.

65. On the Greek Cypriot side, the situation was more complex, and requires fuller description. Mr. Papadopoulos, in a broadcast speech on 7 April 2004, called upon the people to reject the plan with a "resounding No". Among other things, the speech challenged the wisdom of "doing away with our internationally recognized state exactly at the very moment it strengthens its political weight, with its accession

to the European Union". I was surprised at this assessment, in the light of what Mr. Papadopoulos had said to me in Brussels in January. I was also surprised at his interpretation of the plan, since the plan is designed to allow each side to maintain its position on how the new state of affairs would come into being (see S/2003/398, paras. 66-67).

66. Likewise, given what he had said to me in The Hague in March 2003, I was concerned that the Greek Cypriot leader's speech appeared to call into question many fundamental aspects of the plan, even while acknowledging that the final version contained improvements. I do not believe the speech accurately reflected the contents of the plan on a range of issues. Nor do I accept the argument in the speech, repeated thereafter, that when the plan was finalized, Turkey's concerns were satisfied and Greek Cypriot concerns largely ignored (on this, see paras. 44-62 above). It might have been possible to accommodate other Greek Cypriot concerns had the Greek Cypriot side been more willing to engage in give and take at Bürgenstock and before, and to prioritize its objectives.

67. The Greek Cypriot political parties in Cyprus, all members of the National Council, had to decide their positions in the light of Mr. Papadopoulos' speech. Because it had awaited the final outcome of the negotiation, the "Yes" campaign did not get up and running until the last 10 days before the referendum.

68. In addition to the support of the Greek Government, the plan received the unequivocal support of Mr. Papadopoulos' two immediate predecessors as Greek Cypriot leader, Messrs. Clerides and Vassiliou, and of the leader of the second largest political party, Mr. Anastasiades of DISY. But after calling for postponement of the referenda, Mr. Papadopoulos' coalition partner in government, AKEL, which is the largest political party in Cyprus and has traditionally been an agent of reconciliation and reunification, called for a "soft No" to the plan unless additional guarantees were provided regarding security and implementation.

69. The Security Council is well aware of the efforts made to provide such guarantees, which in any case were already foreseen in appendix E of the plan. I am grateful to the Council for the strong substantive support received following my report of 16 April 2004 (S/2004/302). AKEL suggested that guarantees above and beyond those in the plan were necessary. In any case, the Greek Cypriot leader did not wish the Council to take decisions — even on security issues — before the referendum.

70. During the negotiations, both parties indicated that they would be looking to the international community for assistance in implementing the settlement, particularly the economically weaker Turkish Cypriots, who expressed concerns about their ability to undertake all the necessary steps without such help. The European Commission organized a high-level preparatory meeting in Brussels on 15 April 2004 to discuss the financial needs involved in a settlement, ensure that the necessary initial support would be in place, and prepare for a larger pledging conference later in the year. International participants in the conference supported the plan as a balanced and viable option for the settlement of the Cyprus problem, and strongly stated their willingness to provide concrete support for implementation should the Cypriots vote in its favour during the referenda. The pledges made — even though this was not a pledging conference — were sufficient to cover the key needs identified by the Commission for 2004. Mr. Talat attended to represent the

Turkish Cypriot side. The Greek Cypriot side was represented by the Permanent Secretary of the Planning Bureau.

71. The United Nations ensured that the plan and information about it had been freely available on its web site in Greek and Turkish since early 2003. The United Nations also provided information and materials and gave briefings to civil society groups on request. However, the efforts of the United Nations to provide explanations and clarifications about the plan to the public at large were hampered by the media climate on the island. Before Bürgenstock, it had not proved possible to find a Greek Cypriot television station prepared to work with a Turkish Cypriot television station to produce a bicommunal phone-in exercise with questions and answers on the plan directed to United Nations experts. After Bürgenstock, my Special Adviser was declined air time on state television — a matter he raised, along with a number of other concerns about certain aspects of the campaign, with the Greek Cypriot leader. I myself recorded an address to the people of Cyprus, underlining the unique opportunity that was at hand, and reassuring them of the commitment of the United Nations to ensure full implementation. This message received extensive coverage on both sides.

72. In the referenda, on the Greek Cypriot side, the plan was rejected by 75.8 per cent of voters and approved by 24.2 per cent of voters. On the Turkish Cypriot side, the plan was approved by 64.9 per cent of voters and rejected by 35.1 per cent of voters. Had it been approved on both sides, the three national parliaments — those of Greece and Turkey, as well as the United Kingdom — would have had to authorize signature into force of the treaty by their Governments by 29 April 2004. I issued a statement in the aftermath of the vote, which may be found in annex III.

Observations

Another opportunity missed

73. My plan, which was becalmed for a year for lack of political will, has now run aground on the decision of the Greek Cypriot electorate. Its fate is a powerful illustration of the difficulties of finding a solution to this long-standing problem.

74. During the course of a four-and-a-half-year effort, despite all the incentives for compromise, and regardless of whether a great deal of time or little time was available for talks, the parties found it difficult to agree on key points, even though they were well aware of the kinds of compromises that would be needed. They often left it to United Nations input to prod the process forward.

75. A solution obviously requires more than a comprehensive and carefully balanced peace plan. It also needs bold and determined political leadership on both sides in the island, as well as in Greece and Turkey, all in place at the same time, ready to negotiate with determination and to convince their people of the need to compromise.

76. It is regrettable that more could not be agreed between the parties themselves, and that little was done by some participants in the negotiations to prepare the people for a compromise. I have indicated in the present report a number of ways in which I believe the opportunity for frank and constructive negotiation was not fully utilized, and also my concerns regarding the way in which the plan was presented to

the public, particularly on one side. I wish to record, however, my appreciation of the efforts of Mr. Talat both in the process and in the run-up to the referendum.

77. I have always been able to count on Greece's support for my efforts. It is a credit to that country and her leaders that the Cyprus issue did not become a subject of party politics in the general elections held in early March. At Bürgenstock, the new Greek Government, just a few weeks into its tenure, saw itself more as a provider of advice than as a protagonist. Greece also scrupulously refrained from taking positions that might have appeared as interference in the internal debate in Cyprus. Ten days before the referenda, following a meeting of political leaders convened by the President of Greece, Prime Minister Karamanlis declared his view that the benefits of the plan outweighed the difficulties in it, and that the difficulties could be ironed out as Cyprus acceded to the European Union.

78. The change of policy engineered by the Turkish Government which enabled this new effort to take off reflects well on the political maturity of that country and her leaders. By the commitments made to me by Prime Minister Erdoğan on 24 January 2004 when we met at Davos, and by Turkey's determination throughout the February meetings in New York, the talks process in Cyprus, and the culmination in Bürgenstock, the effort to reach a settlement received an immeasurable boost. This leadership was late in arriving as it had to await the consolidation of the Government in Turkey and a realignment of Turkish Cypriot political forces, which unfortunately left little time for negotiation and campaigning. Nevertheless, Prime Minister Erdoğan's commitment to me to be one step ahead in the efforts for a solution was kept, and I appreciated the strong support of the Turkish Government, from the top down, for my efforts.

79. The prospect of accession of Cyprus to the European Union and the opening of Turkey's path towards that goal provided a context of balanced incentives. The leadership of the Turkish Cypriots and Turkey did not seize that opportunity while it existed. By the time they were willing and able to seek a compromise solution, the incentives for compromise on the Greek Cypriot side had substantially weakened, the Greek Cypriot leadership was pursuing a less flexible policy, and time was running very short.

80. While a comprehensive settlement has proved elusive, a great deal has been achieved in the course of the last four and a half years. The obstacles that hitherto prevented Cyprus initiatives from getting beyond generalities have been overcome. The result is a comprehensive and carefully balanced settlement proposal, ready to be implemented. While the plan is legally null and void in the aftermath of the referendum, its acceptance by the Turkish Cypriot electorate means that the shape of any final settlement to reunify Cyprus would appear to be set. The plan remains the only foreseeable basis which the Cypriots have to achieve a settlement.

81. A new fluidity has developed in the interaction of the players. We have witnessed hundreds of Greek Cypriot and Turkish Cypriot public officials working cooperatively together. Political party leaders from the two sides are in regular dialogue. The people themselves are able to meet and visit each other and develop joint efforts across a once-impregnable divide. Greece and Turkey have developed trust and friendship, to the point that a major setback in Cyprus did not cause a major setback in their own relations. These precious achievements must be preserved and built upon. But they are not a substitute for a settlement.

The vote on the Greek Cypriot side and its implications

82. As I trust this report demonstrates, the plan was a clear improvement, for both sides, on the plan which received the strong support of the Security Council only 13 months ago and which was accepted by both sides as a basis for negotiation leading to referenda. It represented the culmination of a 54-month effort, conducted with the strong support and practical backing of the Council. It conforms to the Council's long-held vision of a settlement, itself based on the agreements between Archbishop Makarios and Rauf Denktash in 1977, and Mr. Kyprianou and Mr. Denktash in 1979. It was deemed a workable plan by the European Commission, one that would allow Cyprus to speak with one voice and be properly represented in European Union institutions. It was deemed functional and financially sound, not only by the European Commission but also by the International Monetary Fund.

83. The rejection of such a plan by the Greek Cypriot electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint. Benefits for the Greek Cypriots which have been sought for decades — including the reunification of Cyprus, the return of a large swathe of territory, the return of most displaced persons to their homes (including a majority, some 120,000, under Greek Cypriot administration), the withdrawal of all troops not permitted by international treaties, the halting of further Turkish immigration and (if Greek Cypriot figures are accurate) the return to Turkey of a number of "settlers" — have been foregone. The result is the maintenance of the status quo — a status quo deemed unacceptable by the Security Council.

84. Greek Cypriots rightly expect the international community to respect their decision. It may be that, for a range of reasons, the electorate was not adequately prepared for the decision with which it was faced — because of the shortness of time, or a lack of objective information, or the imbalance between the "No" and "Yes" campaigns, or the belief that a new opportunity would come along soon, or a combination of all these factors. If so, there is always the possibility that, following a period of reflection, something may emerge which offers a way to refloat the plan and salvage a settlement from the current situation. In this context, fears regarding security and implementation appear to be prominent among Greek Cypriots — based, to a significant extent, on historic distrust of Turkish intentions. Without reopening the provisions of the plan which have been voted on and approved by the Turkish Cypriots, the Security Council would, in my view, be well advised to stand ready to address such fears, provided these can be articulated with clarity and finality by the Greek Cypriot side.

85. However, the sheer size of the "No" vote raises even more fundamental questions. This is the first time that the Greek Cypriot public has been asked to vote on a bicommunal, bizonal federal solution of the Cyprus problem. Such a solution means not just two constituent states, but also political equality and the sharing of power. Yet the situation today is very different from that which existed in the 1970s, when the leaders of the two communities agreed to seek such a solution. The contrast between economic stagnation in the north and prosperity in the south is visible and palpable. A generation or more of Cypriots have no memory of life on a unified island. Most of the dispossessed in the south, by hard work and enterprise, have carved out a prosperous livelihood, as have many others who are not originally from the north. While they strongly state their wish to reunify, many see in a settlement very little gain, and quite a lot of inconvenience and risk.

86. These are matters on which Greek Cypriots may wish to reflect in the coming period, when there is little prospect of any renewed peace effort. Civil society, not just political parties, may need to play a role in such a reflection. The European Union will no doubt contribute to this exercise. If the Greek Cypriots are ready to share power and prosperity with the Turkish Cypriots in a federal structure based on political equality, this needs to be demonstrated, not just by word, but by action.

The vote on the Turkish Cypriot side and its implications

87. I welcome the decision of the Turkish Cypriots. They have clearly and convincingly come out in favour of the reunification of Cyprus in a bicommunal, bizonal federation. They have done so despite the pain and dislocation that would have been caused by the relocation of about one third of the Turkish Cypriots under the plan, given the territorial arrangements and property provisions. Clearly, the benefits of European Union membership were an important factor in this. In opting for a settlement, the Turkish Cypriots have broken with the decades-old policies of seeking recognition of the "state" they purported to create in 1983.

88. While the Turkish Cypriots may feel rebuffed after the 24 April vote, their best course is not to turn their back on reunification, but to redouble their determination to achieve it. They, and Turkey, would be well advised to take every opportunity to reach out to the Greek Cypriots, and do everything in their power to promote reconciliation. I am encouraged that both Mr. Talat and the Government of Turkey have made clear that they respect the wishes of the Turkish Cypriots for reconciliation and reunification, and that their policy will be guided accordingly.

89. In the aftermath of the vote, the situation of the Turkish Cypriots calls for the attention of the international community as a whole, including the Security Council. The Turkish Cypriot leadership has, over the years, denounced the restrictions and barriers they face as "embargoes". They point to the disparity between the outcomes of the referenda as evidence that the Greek Cypriot leadership does not speak for the Turkish Cypriots. The Greek Cypriot side has consistently denied the existence of "embargoes", insisting that the nub of the problem is the failure of the Turkish Cypriots to accept the validity of the Republic of Cyprus. After the proclamation of the "Turkish Republic of Northern Cyprus" in 1983, the Security Council, by resolution 541 (1983), considered the declaration legally invalid, and called on all States not to recognize any Cypriot state other than the Republic of Cyprus. By resolution 550 (1984), the Council reiterated this call and called upon all States not to facilitate or in any way assist the secessionist entity.

90. Recognition or assisting secession are clearly contrary to the resolutions of the Security Council, and would be contrary to the entire goal in view. Nor would such steps respect the will of the Turkish Cypriots, who have voted for reunification. However, this vote has undone whatever rationale might have existed for pressuring and isolating them. The rapid reaction of the European Union to the new situation was a welcome first step. I hope that the European Union will follow up these steps with further ones. I have taken note of the expressed Greek Cypriot intention for the Republic of Cyprus, as a member of the European Union, to extend to the Turkish Cypriots as many of the benefits of European Union membership as are "possible and permissible".

The way ahead

91. As for the future of my mission of good offices, the outcome of the referenda has resulted in a stalemate. Mr. Papadopoulos has stated that he is not prepared to submit the plan to referendum once again unless unspecified changes are made. Others on the Greek Cypriot side speak of a second referendum, and look for unspecified additional guarantees on security and implementation. For their part, having approved the plan at referendum, the Turkish Cypriot side is opposed to reopening it for negotiation. Neither of the Cyprus parties has made a proposal to the United Nations or to the other — to my knowledge — to resolve this impasse. I do not see any basis for resuming my good offices as long as this stand-off remains.

92. Meanwhile, in the aftermath of the watershed vote of 24 April, I believe that a fundamental reassessment of the full range of United Nations peace activities in Cyprus is timely. That reassessment should include the four-decade-old search for peace in Cyprus, and consider how best to address the problem in the future. It should also bear in mind that the implicit central purpose of all peacekeeping operations is to provide an environment conducive to the resolution of conflict. As outlined in my latest report on UNFICYP (S/2004/427), I accordingly intend to conduct a review, to be completed within three months, of UNFICYP's mandate, force levels and concept of operations, in the light of the developments on the ground, the positions of the parties, and any views the Security Council might have.

93. I have already indicated my hope that Greek Cypriots will reflect on the outcome of this process in the coming months. In the meantime, I believe that the members of the Council should encourage the Turkish Cypriots, and Turkey, to remain committed to the goal of reunification. In this context and for that purpose and not for the purpose of affording recognition or assisting secession, I would hope they can give a strong lead to all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development, deeming such a move as consistent with Security Council resolutions 541 (1983) and 550 (1984).

Conclusion

94. I wish to thank the Security Council for its strong support of my efforts; the many Member States who provided diplomatic assistance, material resources, technical expertise or conference support; the European Union, including the European Commission, for the truly exemplary assistance and support it provided, in what was a model of European Union/United Nations cooperation; and the many international organizations, including those of the United Nations system, which rolled up their sleeves and joined in this team effort.

95. I could not close without expressing my warmest thanks to my Special Adviser, Mr. Alvaro de Soto, and his team, for the outstanding dedication which they brought to a difficult task. Their careful and creative peacemaking effort offered the Cypriots the best chance they have ever had to reunify their country.

96. I know that the failure of this effort, twice now in little over a year, is a source of sadness and confusion for Cypriots, Greek Cypriots and Turkish Cypriots alike, not to mention many in Greece and Turkey, in the European Union, and throughout

the international community. Many Cypriots from all walks of life worked with courage and determination to achieve a settlement. I am confident they will continue these efforts. Indeed, they must. The prospects for the reunification of their country now rest primarily in their hands

Annex I

Secretary-General's statement to the press

13 February 2004

Negotiations resumed on 10 February at United Nations Headquarters in New York between the two parties in Cyprus, in my presence.

Following three days of meetings and consultations, I am pleased to announce that the parties have committed to negotiating in good faith on the basis of my plan to achieve a comprehensive settlement of the Cyprus problem through separate and simultaneous referenda before 1 May 2004.

To this end, the parties will seek to agree on changes and to complete the plan in all respects by 22 March 2004, within the framework of my mission of good offices, so as to produce a finalized text.

In the absence of such agreement, I would convene a meeting of the two sides — with the participation of Greece and Turkey in order to lend their collaboration — in a concentrated effort to agree on a finalized text by 29 March.

As a final resort, in the event of a continuing and persistent deadlock, the parties have invited me to use my discretion to finalize the text to be submitted to referenda on the basis of my plan.

In addition, the parties have agreed on the other suggestions contained in my invitation of 4 February 2004. They have also decided to form a technical committee on economic and financial aspects of implementation, to be chaired by the United Nations.

The guarantor Powers have signified their commitment to this process and to meeting their obligations under it.

I welcome these commitments as well as the assurances of the European Union to accommodate a settlement and the offer of technical assistance by the European Commission. I look forward to drawing on this assistance as well as that of others in the course of the negotiations.

The talks will re-convene in Cyprus on Thursday, 19 February, with direct meetings between the two parties in the presence of my Special Adviser, Alvaro de Soto. The technical committees on laws and treaties will re-convene on the same day.

I commend the constructive spirit and political will displayed by both parties, as well as by Greece and Turkey, to reach this agreement.

All concerned now face historic responsibilities to bring about a just and lasting peace in Cyprus. I wish them well, and look forward to working closely with them.

Annex II

A description of the work of the technical committees

1. The Technical Committees on Laws and Treaties, agreed to in my presence in October 2002, recommenced work on 19 February 2004, picking up where they had left off in February 2003 in their efforts to finalize the federal legal framework for the United Cyprus Republic.

2. In the Technical Committee on Laws, some of the draft laws were replaced with new texts and additional new laws were proposed, generally for the purposes of complying with the provisions of the European Union *acquis communautaire*. Just before their work had ceased in February 2003, it had been envisaged that roughly 44 essential laws would be completed before the plan was submitted to referenda, and that the remaining laws would be completed after the referenda according to a strict timetable. When work resumed, the Turkish Cypriots preferred to adhere to this approach, as I had indicated in my 4 February letter. However, the Greek Cypriots, who pointed out that the halting of the work in 2003 and the short time now left for the effort was not their fault, insisted that many more laws had to be completed to ensure the viable functioning of the federal structures, to avoid any gaps or legal uncertainty, and to ensure that Cyprus fully met its European Union obligations. Their proposed list contained well over 100 laws.

3. Through the extraordinary efforts of Greek Cypriots and Turkish Cypriots alike, 131 laws (comprising 4 constitutional laws, 124 federal laws and 3 Cooperation Agreements, and running in total to almost 9,000 pages) were provisionally finalized — with few issues outstanding — by 26 March 2004. The laws covered the areas of constitutional, criminal, governmental and legislative procedure, public administration, administration of justice, European Union and external affairs, police, citizenship, immigration and asylum, budget, taxation, capital markets, banking and finance, trade, customs and excise, meteorology, aviation, shipping and maritime, natural resources, communications, intellectual property and antiquities.

4. In a related effort, one of the subcommittees focused on issues concerning the harmonization of legislation with the European Union *acquis communautaire*, particularly for the future Turkish Cypriot State.

5. The Committee on Treaties reviewed approximately 2,000 treaties and instruments submitted by both sides for their compatibility with the settlement. After some proposals were withdrawn and other objections resolved, 1,134 treaties and instruments were included in the final list that would bind the United Cyprus Republic on the coming into being of the new state of affairs.

6. On 29 March in Bürgenstock, together with the bridging proposals I put forward on the main political issues, I presented the laws and list of treaties to the leaders, along with United Nations bridging proposals to address the relatively small number of issues still outstanding. The parties submitted their comments in the following days, which were taken into account in the finalized plan of 31 March 2004.

7. During April, the laws and list of treaties were reviewed by the United Nations, with the assistance of the parties, for internal consistency and coherence, and compatibility with the main body of the plan. The final texts were formally

authenticated by the parties in the presence of my Special Adviser on Cyprus on 23 April 2004.

8. In early 2003, with the approval of the leaders, the United Nations had organized competitions for the design of the flag and composition of the anthem of the proposed United Cyprus Republic, attracting 1,506 and 111 entries, respectively, from around the world. Two technical committees, each with three Greek Cypriots and three Turkish Cypriots, reviewed the entries. After several days of careful deliberation, each committee made a single recommendation which was accepted by the political leadership on both sides.

9. The 13 February Agreement provided for the establishment of a fifth technical committee, namely the Technical Committee on Economic and Financial Aspects of Implementation. It not only considered the economic viability of the provisions of the plan and made recommendations for changes or additions, but also developed proposals for implementation to be drawn upon after a settlement entered into force. Four subcommittees contributed recommendations on the Central Bank; the Public Financial Sector; Cooperation, Coordination and Harmonization; and Property and Relocation, many of which were reflected in the final version of the plan. Working groups also looked at merger issues, the non-banking financial sector, insurance, pensions, social security, education, energy, agriculture and natural resources and other harmonization issues. The work was greatly enhanced by the involvement of experts seconded from the above-mentioned key financial institutions who, while noting that the work was subject to a number of uncertainties, including about basic data, could ensure that the solution was economically and financially viable and, if implemented as recommended by the Committee with the necessary financial support, represented a solid and workable economic basis for the reunification of Cyprus and its future stable economic growth.

10. In mid-March, the leaders agreed to establish two additional technical committees, comprising experts in the field of administration, management and human resources, to determine the initial structure and staffing of the federal government, and identify the premises it would use immediately on entry into force of the Foundation Agreement. These committees produced the organizational charts for the federal government and staffing lists for its various offices, services and independent institutions and commissions and identified buildings on each side of the dividing line to house them for a transitional period. (Ultimately, the federal buildings would have been consolidated in the area already zoned for the purpose in the Nicosia Master Plan.) Including the federal police and the postal service employees, the federal government would have initially comprised 6,181 positions, falling within the ceiling recommended by the economic committee that had evaluated the parameters for a financially sound federal budget. Both sides submitted lists with the names of existing public servants eligible for service in the federal government in accordance with the Constitution, with final selection to have occurred after a positive result in the referenda. The plan made clear that the status, rights and entitlements of all public servants would be safeguarded irrespective of whether they worked for the federal or constituent state government.

11. The plan also required the identification of three international judges and a registrar for the Supreme Court. Highly qualified individuals with a combination of experience in European law and federal systems were selected in close consultation with the parties, and agreed to be ready to serve from the moment of entry into force.

Annex III

Statement issued by the Spokesman of the Secretary-General on the outcome of the referenda in Cyprus

24 April 2004

The Secretary-General notes the outcome of the separate simultaneous referenda held today in Cyprus on the settlement plan finalized on 31 March 2004. Since it was approved in the Turkish Cypriot referendum but not in the Greek Cypriot referendum, the Foundation Agreement will not enter into force.

The Secretary-General respects the outcome of the two referenda. He knows that for many Cypriots the decision how to vote was a difficult one. The goal of the effort over the last four and a half years has been to bring about reunification so as to enable a reunited Cyprus to join the European Union. That goal has not been achieved. A unique and historic chance to resolve the Cyprus problem has been missed.

The Secretary-General intends to give careful thought to the implications of today's result. Meanwhile, Cyprus will remain divided and militarized as it accedes to the European Union, and the benefits of a settlement will not be realized.

The Secretary-General applauds the Turkish Cypriots, who approved the plan notwithstanding the significant sacrifices that it entailed for many of them. He regrets that the Turkish Cypriots will not equally enjoy the benefits of EU membership as of 1 May 2004, but he hopes that ways will be found to ease the plight in which the people find themselves through no fault of their own.

Together with a broad cross-section of the international community, the Secretary-General remains convinced that the settlement plan put to the two sides in today's referenda represents a fair, viable and carefully balanced compromise — one that conforms with the long-agreed parameters for a solution and with the Security Council's vision for a settlement, and meets the minimum requirements of all concerned. Clearly, a large majority of the Greek Cypriot electorate did not share that judgement today. He hopes that they may nevertheless arrive at a different view in the fullness of time, after a profound and sober assessment of today's decision. For a settlement to the long-standing Cyprus problem would benefit the people of Cyprus, as well as the region and the wider international community.

The Secretary-General will report to the Security Council in due course. The Council may wish to evaluate the outcome and its implications.

The Secretary-General appreciates the strong backing that the plan received from many political figures on both sides. He is grateful that Greece and Turkey, the Security Council, the European Union and the broader international community stood ready to throw their support behind the Cypriots and work to ensure full implementation. Above all, he is thankful to his Special Adviser and his outstanding team, as well as for the dedication of many people from all walks of life in Cyprus, Greek Cypriots and Turkish Cypriots alike, who struggled for reunification and reconciliation.

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Letter dated 28 May 2004 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

I have the honour to refer to the policy of the Government of the Republic of Cyprus vis-à-vis the Turkish Cypriots, pending an agreed settlement of the Cyprus problem. You may recall that a package of measures, which has been described as generous by the international community and led to tangible economic and other benefits to the Turkish Cypriots, has been implemented by the Government since last year. As a result, more than 12 per cent of the Turkish Cypriots are already working in the Government-controlled areas. Moreover, a considerable number of Turkish Cypriots enjoy economic and social benefits, including free-of-charge use of the medical facilities of the Republic.

In addition to this package, the Government of the Republic announced, on 26 April 2004, its intention to expand the trade, subject to the procedures and rules of the European Union, of wholly obtained goods (agricultural, mining and fishery products), as well as the intra-island trade of the industrial goods produced in the occupied area. Furthermore, the Government of the Republic of Cyprus has advocated that the 259 million euros earmarked for the years 2004-2006, by the European Union for the Turkish Cypriot in the event of a Cyprus settlement, be made available as from now. Moreover, the Government has asked that the number of crossing points at the dividing line for both persons and goods be increased, in agreement with the United Nations and the Turkish Cypriot side.

I would like to underline that all of the above measures aim at promoting the reunification of the island and allowing the Turkish Cypriots to enjoy the benefits of the accession of Cyprus to the European Union, effective as of 1 May 2004. It is for this reason that the Government welcomes and fully supports all similar efforts consistent with international law. Unfortunately, the Turkish Cypriot leadership has been engaged in a campaign to exploit the intentions of some parties, in order to achieve political gains of the illegal regime of the north, thus consolidating the de facto division of the island. We regret, that in the course of carrying out this policy, the Turkish Cypriot leadership has not hesitated, in many instances, to sacrifice the economic advancement of the Turkish Cypriot community for the sake of achieving its political ends.

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I would like to take this opportunity to reiterate that it has never been the policy of the Government of Cyprus to promote any form of isolation of the Turkish Cypriot community. In this context, it should be emphasized that the so-called "isolation" of the Turkish Cypriots is mainly the consequence of the illegal occupation of part of Cyprus, the divisive policies of Turkey and the refusal of the Turkish Cypriot leadership to comply with principles of international law, established rules and procedures, as well as decisions of the Court of Justice of the European Community. Furthermore, the process of bicommunal talks over the years can bear no effect whatsoever on the legal personality of the Republic of Cyprus, a sovereign member of the United Nations, the Government of which cannot exercise control over the whole island owing to the illegal occupation of part of its territory. Therefore, using the ending of the so-called isolation of the Turkish Cypriot community as a pretext to promote separate membership or participation in international forums is totally unacceptable and contrary to international law.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

United Nations S/2004/439

Security Council

Distr.: General
1 June 2004

Original: English

Letter dated 27 May 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Stabilization Mission in Haiti (MINUSTAH), which will assume authority from the Multinational Interim Force in Haiti on 1 June 2004.

Following the usual consultations, it is my intention to appoint Lieutenant-General Augusto Heleno Ribeiro Pereira (Brazil) to the post of Force Commander of MINUSTAH. It is likewise my intention to include Argentina, Benin, Bolivia, Brazil, Canada, Chile, Croatia, France, Nepal, Paraguay, Peru, Rwanda, the United States of America and Uruguay in the initial list of countries that have agreed to provide military personnel to MINUSTAH.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) Kofi. A. **Annan**

04-37085 (E) 010604

United Nations S/2004/440

Security Council

Distr.: General
1 June 2004

Original: English

Letter dated 1 June 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 27 May 2004 (S/2004/439) concerning your intention to appoint Lieutenant-General Augusto Heleno Ribeiro Pereira (Brazil) as Force Commander of the United Nations Stabilization Mission in Haiti (MINUSTAH) has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(*Signed*) Lauro L. **Baja, Jr**
President of the Security Council

04-37079 (E) 010604

United Nations S/2004/441

Security Council

Distr.: General
2 June 2004

Original: English

Letter dated 25 May 2004 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council

I should be grateful if you would circulate as a document of the Security Council the attached summary of key themes of the public meeting of the Security Council on "the role of business in conflict prevention, peacekeeping and post-conflict peace-building", held on 15 April 2003 under the German presidency of the Council (see annex).

(*Signed*) Gunter **Pleuger**
Ambassador
Permanent Representative

04-37402 (E) 030604

Annex to the letter dated 25 May 2004 from the Permanent Representative of Germany to the United Nations addressed to the President of the Security Council

The role of business in conflict prevention, peacekeeping and post-conflict peace-building

Chairman's summary of the discussion held by the Security Council on 15 April 2004

On 15 April 2004, the Security Council met to discuss the role of business in conflict prevention, peacekeeping and post-conflict peace-building. Taking into consideration that economic factors play an important role in armed conflicts, the aim of the discussion was to assess the potential difference business can make in the various phases of an armed conflict. In addition to Council members, the following guest speakers took part in the discussion: Secretary-General Kofi Annan; World Bank President James Wolfensohn; Siemens President and Chief Executive Officer Heinrich von Pierer; Economic and Social Council President Marjatta Rasi; and the Chairman of the Advisory Group on African Countries Emerging from Conflict, Dumisani Kumalo.

The following observations were made:

- Business has a crucial role to play in situations of armed conflict. Private companies' decisions on investment and employment, on relations with local communities and on protection for local environments can ease or exacerbate tensions. Business can provide hope, the lack of which is one of the main causes of conflict. In the era of globalization, this is true for companies that operate both internationally as well as domestically.

- Giving people work and opportunity is a key factor in preventing and emerging from conflict. Domestic small and medium-size enterprises play an especially important role in this context, as it is in practice they that create the most jobs. Often they are the ones that offer employment opportunities to demobilized fighters who are forced to disarm as part of reconstruction and post-conflict resolution.

- Business itself has an enormous stake in the search for solutions. Companies require a stable environment to carry out their operations and minimize their risks. Furthermore, their reputations depend on their conduct in conflict situations.

- Among the factors critically important in a post-conflict situation are — from an entrepreneurial point of view — a reasonable level of security, rebuilding infrastructure, securing financing for reconstruction programmes, timely planning and a perspective afforded by visible progress.

- In long-term conflict prevention, education is a key element. Sustainable economic growth and the private sector's contribution to it are equally important.

- Private sector engagement is as necessary in the pre-conflict phase as it is in the post-conflict phase. Yet, companies alone will not be able to prevent or put an end to an armed conflict.

- The resolution of violent conflicts requires a concerted effort by all major stakeholders. The United Nations, the internationaal financial institutions and the Member States are called upon to cooperate closely with the private sector to set the necessary political, security, legal, economic and financial framework.

- Several recent initiatives relating to corporate social responsibility were welcomed, inter alia, the Secretary-General's Global Compact Initiative, in which companies voluntarily commit themselves to engage in socially and ecologically responsible and sustainable business practices.

- An inter-agency group has been established in the Secretariat to study the political economy of armed conflict and to provide recommendations on how to improve the response of the United Nations system to the economic dimension of conflicts.

- The Security Council has, in the past, only looked at certain aspects of the role of business in conflict. It is therefore appropriate for the Council to address this highly relevant issue more systematically. A number of participants expressed their hope for a follow-up of the meeting in the Council, some suggesting that the Secretary-General might report to the Council on further developments. The Secretary-General, for his part, urged the Council to focus greater attention on this issue and to engage more dynamically with the private sector.

The meeting was perceived as a clear signal for a more coherent approach by all respective institutions within and outside the United Nations system to use the potential of entrepreneurial initiative in conflict situations more effectively.

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Security Council

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2 June 2004

Original: English

Letter dated 1 June 2004 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General

I have the honour to inform you that under the presidency of the Republic of the Philippines, the Security Council is scheduled to have a debate on the subject "the role of civil society in post-conflict peace-building" on Tuesday, 22 June 2004.

The presidency has prepared the attached non-paper to help guide the discussion on this subject (see annex).

I would be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Lauro L. **Baja** Jr.
Permanent Representative

04-37301 (E) 030604

Annex to the letter dated 1 June 2004 from the Permanent Representative of the Philippines to the United Nations addressed to the Secretary-General

The role of civil society in post-conflict peace-building

Conflict prevention and post-conflict peace-building require a comprehensive and multidimensional approach. Any successful action on the matter depends largely on the active cooperation and broadest participation of the international community. The United Nations, Governments and international and regional organizations have always been at the forefront of these efforts.

Civil society organizations play a crucial role in this endeavour. Article 71 of the Charter of the United Nations recognizes the contributions that civil society can make in achieving the goals of the Organization. In its resolution 57/337, the General Assembly recognizes the important supporting role of civil society and invites it to continue to contribute to efforts to prevent armed conflict and reconciliation. The Assembly also encourages civil society to pursue practices that foster a climate of peace, help to prevent or mitigate crisis situations and contribute to reconciliation.

In the Security Council, interaction with civil society increased in the 1990s as a result of changes brought about by the end of the cold war and the influence of increasing globalization. The Gulf War in 1991, the Somalia crisis in 1993, the Rwandan genocide in 1994, as well as the Bosnia and Herzegovina situation, the Palestinian crisis and the conflicts in Central and Western Africa, were salient international crises that galvanized Security Council-civil society interaction. Civil society organizations also monitored the Council's work in the areas of sanctions, peacekeeping, election monitoring, policing and post-conflict peace-building. They were also present in feeding the hungry, caring for the sick, sheltering the homeless and protecting the vulnerable in many crisis areas, including civil wars. In many of these instances, civil society has played important roles in the mobilization and utilization of resources, as well as the delivery of assistance in post-conflict reconstruction.

The involvement of civil society groups in these events has provided them with the opportunity to assume a larger role in international affairs and greater influence in shaping public opinion on international policy issues. Many civil society organizations remain active on the ground in many crisis areas, even after the United Nations and government agencies have left the scene. As a result, civil society has gained a high institutional reputation and has maintained wide public support.

Aside from their contributions to peacekeeping, relief and humanitarian efforts, civil society organizations are also a source of information on the ground. By their sheer number, dedicated membership and unique advocacy roles, civil society organizations have become a force to reckon with in post-conflict areas. Their public advocacy role and media campaigns often help to shape public understanding of the crises and bring pressure to bear on Governments to act. Thus, civil society has become an actor in the policy process that cannot be ignored and whose goodwill and support have proved useful and, at times, even essential to the success of government policies and Council initiatives.

But much more needs to be done to harness civil society in both the structural (strategies to address the root causes) and the operational (strategies in the face of crisis) dimensions of post-conflict peace-building. The different ways by which civil society can contribute to resource mobilization and the maintenance of peace should be explored and discussed in greater depth.

Since post-conflict situations vary, it is important to have strategies for developing a coherent approach to effective post-conflict peace-building that involves civil society actors. Mechanisms for Government and civil society sharing and cooperation must be put in place and made easily accessible in the most crucial stages of efforts at peace-building. An essential element to ensure the successful engagement of civil society is the promotion of healthy government and non-government cooperation. For instance, some members of civil society tend to be viewed with more suspicion than trust, whose activities are sometimes regarded as inimical to governmental programmes. This can be an obstacle to fostering interactive partnership that could be helpful in preventing conflict and expediting the process of post-conflict peace-building. Confidence-building measures and opportunities for dialogue help in addressing challenges of this kind.

Questions:

- How can the Security Council maximize the contribution of civil society in post-conflict peace-building efforts? What essential elements will be needed to ensure smooth governmental/intergovernmental and civil society interaction in post-conflict areas?
- How can civil society organizations assist the Security Council in assessing the needs of the country (e.g., needs assessment survey) as the latter embarks on the road to post-conflict peace-building? How does civil society play a role in planning, implementing and monitoring an exit plan or exit strategy?
- Since civil society groups maintain a strong presence on the ground, how can the Security Council tap them to provide early warning signals for lapses in post-conflict peace-building efforts, including relief and humanitarian assistance?
- How can civil society groups serve as an effective and efficient bridge between the local government/people and the international community (donor countries and institutions) to ensure coherence (i.e., ownership, relevance to people) of policies in post-conflict situations?
- How can the Security Council and civil society organizations enhance their respective roles in post-conflict peace-building activities? How can civil society groups complement the work of Governments in post-conflict peace-building? How will the Council ensure synergy between and among the various civil society groups on the ground participating in post-conflict peace-building?
- In a multidimensional and comprehensive approach to post-conflict peace-building efforts, how can the Security Council harness the participation of other members of civil society, such as the religious sector?

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Security Council

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2 June 2004

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First report of the Secretary-General on the United Nations Operation in Côte d'Ivoire

I. Introduction

1. By its resolution 1528 (2004) of 27 February 2004, the Security Council decided to establish the United Nations Operation in Côte d'Ivoire (UNOCI) for an initial period of 12 months, as from 4 April 2004. At the same time, the Council requested me to transfer authority from the United Nations Mission in Côte d'Ivoire (MINUCI) and the forces of the Economic Community of West African States (ECOWAS) deployed on the ground to UNOCI on 4 April 2004, when the mandate of MINUCI would expire. By that same resolution, the Council also requested me to submit a report every three months on the situation in Côte d'Ivoire, the implementation of the Linas-Marcoussis Agreement (see S/2003/99, annex I) and the implementation of the mandate of UNOCI. The present report was prepared pursuant to that resolution and covers major developments in the peace process since my report of 6 January 2004 (S/2004/3), including the progress made in the deployment of UNOCI.

II. Developments in the peace process

2. During the reporting period, considerable difficulties were encountered in the peace process. However, in December 2003 and January 2004, a number of encouraging developments occurred, giving the Ivorian peace process what was hoped to be a fresh impetus. The Forces nouvelles Ministers returned to the Government of National Reconciliation on 6 January and participated in subsequent meetings of the Council of Ministers, where some of the major legal reforms envisaged under the Linas-Marcoussis Agreement began to be considered. In a meeting with my Special Representative, Albert Tevoedjre, on 14 January, the Secretary-General of the Forces nouvelles, Guillaume Soro, reaffirmed his movement's commitment to remain in the Government of National Reconciliation, as the main forum for implementing the provisions of the Linas-Marcoussis Agreement.

3. At the request of the President, Laurent Gbagbo, the first extraordinary session of the National Assembly was convened to consider some of the draft laws envisaged under the Agreement, including those related to the identification of the

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population and the residence status of foreigners, the reconstitution of the Independent Electoral Commission, the establishment of the National Commission on Human Rights, and, subsequently, land reform. However, the draft laws on nationality, the financing of political parties, regulatory regimes for the media, freedom of the press and the amendment to article 35 of the Constitution on eligibility to the Presidency were not submitted for consideration by the National Assembly.

4. On 12 January 2004, President Gbagbo met Mr. Soro for the first time since the Forces nouvelles had suspended their participation in the Government on 23 September 2003. On 25 January, during a visit to the headquarters of President Gbagbo's political party, the Ivorian Patriotic Front (FPI), Mr. Soro stressed the need for all political parties to move ahead in the peace process together. On 28 January, President Gbagbo agreed to restructure the management of the Ivorian Radio and Television, which had been a source of major political friction. Also, in the context of implementing the Linas-Marcoussis Agreement, the Government took some concrete steps towards the redeployment of State administration and the provision of basic services in Forces nouvelles-ontrolled areas, as well as in the west of the country.

5. At the same time, positive developments were registered in the area of military cooperation. On 9 January, the quadripartite commission, comprising the Forces armées nationales de Côte d'Ivoire (FANCI), the armed wing of the Forces nouvelles, the forces of the ECOWAS Mission in Côte d'Ivoire (ECOMICI) and the French forces (Licorne force), signed the Yamoussoukro agreement on the joint operational plan and guidelines for the disarmament, demobilization and reintegration programme. Both FANCI and the Forces nouvelles committed themselves to implementing the programme. On 14 February, the quadripartite commission met in Daloa to consider further plans for the disarmament, demobilization and reintegration process and agreed on the exchange of prisoners of war, which was carried out on 4 March. Subsequently, a simulated disarmament, demobilization and reintegration exercise was undertaken on 20 February, attended by the Prime Minister, Seydou Diarra, who announced 8 March as the date for commencement of the programme.

6. However, late in February, the political climate began to worsen. On 26 February, Mr. Soro declared that unless all key issues of the Linas-Marcoussis Agreement were addressed, his movement would not lay down arms before the October 2005 elections. In a subsequent development, on 3 March, the Democratic Party of Côte d'Ivoire-African Democratic Party (PDCI-RDA) suspended its participation in the Government of National Reconciliation, following a dispute with President Gbagbo's supporters over administrative control of the port of Abidjan.

7. On 7 March, a newly formed coalition of opposition parties, including the PDCI-RDA, the Rally of the Republicans (RDR), the Union pour la démocratie et pour la paix en Côte d'Ivoire (UDPCI), the Mouvement des forces de l'avenir (MFA), the Mouvement patriotique de Côte d'Ivoire (MPCI), the Mouvement populaire ivoirien du grand ouest (MPIGO) and the Mouvement pour la justice et la paix (MJP), which has since become known as the "Coalition des Marcoussistes", also announced their intention to suspend participation in the Government. They stressed that their decision was due to serious concerns over the pace of

implementation of the reforms envisaged under the Linas-Marcoussis Agreement, in particular those relating to the devolution of power from the President to the Government and the discretionary authority of ministers to make certain senior appointments to posts within the departments under their purview. As a result of the renewed political stalemate, the disarmament, demobilization and reintegration programme failed to commence as scheduled on 8 March.

8. On 10 March, groups of "young patriots", who support the President, stormed the Ministry of Justice in Abidjan to protest some appointments made by the Justice Minister, who is also the President of the RDR party, led by a major opposition figure, Alassane Ouattara. They then proceeded to the residence of the Forces nouvelles ministers in Abidjan, announcing their intention to "dislodge" the Ministers. ECOWAS and French forces prevented their attack on the building. Following these developments, on 11 March, the Council of Ministers decided to put into effect a ban on demonstrations. Nevertheless, several days later, the "Coalition des Marcoussistes" announced that they would organize a demonstration in Abidjan on 25 March to protest the stalemate in the peace process and to show support for the full implementation of the Linas-Marcoussis Agreement. President Gbagbo subsequently signed a decree limiting all public demonstrations in Abidjan to "enclosed places", such as stadiums and assembly halls, but the opposition parties maintained their determination to proceed with the rally. In his televised broadcast to the nation on 23 March 2004, President Gbagbo stated that a delegation of the "Marcoussistes" had presented him with a memorandum containing their grievances. The President indicated that a meeting had been scheduled for 29 March to examine all issues outlined in the memorandum.

9. In view of these developments, on 24 March, I issued a statement urging all Ivorian parties to exercise utmost restraint, reduce tensions and avoid any steps that could further exacerbate the situation in the country. I also appealed to the leaders of all Ivorian political parties to demonstrate statesmanship and engage in constructive consultations in order to move forward with the implementation of the letter and spirit of the Linas-Marcoussis Agreement. On the same day, the President of Ghana and current Chairman of ECOWAS, John Agyekum Kufuor, accompanied by the Minister for Foreign Affairs of Nigeria, Oluyemi Adeniji, met President Gbagbo as well as leaders of the opposition in Abidjan in a last-minute attempt to resolve tensions and stave off massive demonstrations in the capital. In the meantime, the Ivorian armed forces and gendarmerie, equipped with heavy military equipment, deployed in full strength in the centre of Abidjan. Public institutions and schools were declared closed until 29 March.

10. On 25 March, demonstrations took place in several parts of Abidjan, resulting in violent clashes between the Ivorian security forces and demonstrators. Sporadic shooting was heard throughout the city, including in the vicinity of the MINUCI headquarters. Although the demonstrations largely subsided in the afternoon, violence and arrests continued in the suburbs of Abidjan on 26 March. Reports varied with regard to the number of casualties, depending on the sources, and allegedly included two police officers. A large number of people were also reportedly injured. According to statistics gathered by the International Commission of Inquiry (see para. 12 below), on the basis of official and other documents received, at least 120 people were killed, 274 wounded and 20 disappeared. On 25 March, demonstrations also took place in Yamoussoukro, where one person was reportedly killed and another injured, and in Bouaké, where no incidents were

reported. On the same day, I was obliged to issue another statement, in which I again urged all Ivorian parties and every citizen of Côte d'Ivoire to put the national interest foremost, stop all confrontations and resume, without further delay and without preconditions, the full implementation of the Linas-Marcoussis Agreement. The statement stressed that, at a time when the United Nations was preparing the deployment of a peacekeeping operation, the Ivorian parties must demonstrate the political will to reject all forms of violence and engage in genuine reconciliation and mutual accommodation.

11. The events of 25 and 26 March dealt a serious blow to the peace process. Following these events, Mr. Soro stated that his movement ruled out any possibility of disarmament or a return to the Government as long as President Gbagbo remained in power. However, on 31 March, the "Marcoussistes" presented a number of conditions for the resumption of dialogue with President Gbagbo, including: recognition of their constitutional right to demonstrate; enhanced security for the signatories of the Linas-Marcoussis Agreement to be provided by the Ivorian and "impartial" (French and United Nations) forces; permission to organize the funerals and commemorative ceremonies for the militants who died on 25 March 2004; balanced coverage for all political parties in state-owned media; and the establishment of an international commission of inquiry to investigate all human rights violations that were committed in connection with the events of 25 and 26 March in Abidjan. President Gbagbo and Prime Minister Diarra, as well as the members of the Monitoring Committee established under the Linas-Marcoussis Agreement, also requested the establishment of an international commission of inquiry. At the same time, the Commission for General and Institutional Affairs of the National Assembly established two commissions of inquiry of its own into the events.

12. I supported the requests for an International Commission of Inquiry for Côte d'Ivoire to investigate the events of 25 and 26 March in Abidjan and instructed the Office of the United Nations High Commissioner for Human Rights to proceed with its establishment without delay. The Commission travelled to Côte d'Ivoire from 15 to 28 April 2004 and prepared a report, which was transmitted to the Security Council on 13 May 2004 (S/2004/384, annex). The main conclusion of the report, based on accounts from eyewitnesses and survivors as well as other corroborating evidence collected by the Commission, was that the demonstration of 25 March was used for what had turned out to be a carefully planned and executed operation by the Ivorian security forces, as well as special units and the so-called parallel forces, targeting opposition parties and community groups not only in Côte d'Ivoire, but also in Burkina Faso, Mali and Niger. The report stated that, in spite of public statements to the contrary, all available evidence suggests that there was no significant threat to the security forces by the demonstrators and that the repression and killings that took place in the morning of 25 March, and especially in the following days, represented a level of violence and excessive use of force that was not proportional to the situation at hand.

13. In its report, the Commission made a number of important recommendations, including: the conduct of criminal investigations for those responsible for the execution of the massacres; the establishment of an International Commission of Inquiry to investigate all allegations of grave violations of human rights committed in Côte d'Ivoire since 19 September 2002; the expansion of the mandate of UNOCI to ensure the protection of witnesses to the indiscriminate killings of 25 March and

of relatives of victims of the massacre; the establishment of a mixed human rights court, with the participation of international judges, mandated to prosecute all past serious human rights violations, including those committed prior to 25 March 2004, to put an end to impunity; the dismantlement and disarmament of all armed groups, including the so-called parallel forces, with due consideration to the possible integration of members of these forces into regular security structures of the State; ensuring more effective protection of the basic human rights and fundamental freedoms of all individuals in Abidjan, as part of the efforts of the international community to create an environment conducive to the holding of free and fair elections in 2005; and the establishment of an independent human rights mechanism of the United Nations Commission for Human Rights, such as a country-based special rapporteur or an independent expert.

14. The Acting United Nations High Commissioner for Human Rights, Bertrand Gangapersaud Ramcharan, briefed the Security Council on the findings and recommendations of the report on 14 May. During his briefing, Mr. Ramcharan noted that preparations were under way for the establishment of a new International Commission of Inquiry, which would investigate all serious violations of human rights and humanitarian law committed in Côte d'Ivoire since 19 September 2002. He noted that the earliest establishment of such a Commission, which was envisaged under the Linas-Marcoussis Agreement, had been requested by the Government of Côte d'Ivoire, as well as recommended by the International Commission of Inquiry into the events of 25 and 26 March. Other recommendations, such as the need to establish a United Nations radio in Côte d'Ivoire, the reform and training of the police, and the strengthening of the judiciary, are already being addressed within the framework of the mandate of UNOCI. Those which require an expansion of the mandate of UNOCI, however, may only be considered following a decision of the Security Council on the most appropriate role of the Mission in this regard.

15. In order to give the stalled peace process new impetus, a high-level delegation led by the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, and comprised of senior officials from France, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Executive Secretary of ECOWAS, Mohamed Ibn Chambas, and a representative from the African Union, travelled to Côte d'Ivoire from 15 to 20 April 2004. The delegation conveyed a strong message to the Ivorian parties, stressing that the deployment of UNOCI at the invitation of all Ivorian parties was tantamount to a contract between them and the international community, which the Ivorian parties had to respect. The international community was prepared to help Côte d'Ivoire to restore peace and normalcy, including through the deployment of UNOCI, but the Ivorian parties had the responsibility to proceed without further delay and in good faith with the implementation of the Linas-Marcoussis Agreement.

16. To that end, the high-level delegation strongly encouraged President Gbagbo to use his authority to establish all necessary conditions to enable the Government to function effectively. These should include the President's full support for his Prime Minister, greater freedom for the ministers to appoint their aides and the immediate dismantling of any parallel government structures, which undermined the Government's authority as well as its ability to govern unhindered. The delegation also urged all parties to refrain from violence and called upon the Forces nouvelles to proceed with disarmament without delay. Finally, the delegation indicated that the international community was ready to consider further steps to encourage full

implementation of the Linas-Marcoussis Agreement and to promote the process of national reconciliation in Côte d'Ivoire, including by taking action, if necessary, against individuals whose activities were an obstacle to the full implementation of the Agreement.

17. On 24 April, the "Coalition des Marcoussistes" held a march and a memorial service to commemorate the victims of the events of 25 and 26 March. In order to prevent violence, UNOCI and the Licorne force assisted the Ivorian security forces in maintaining law and order during the demonstration. Some 10,000 people participated in the event, which took place without any serious incidents. Some 20,000 "young patriots" and other supporters of President Gbagbo also held a rally in Abidjan on 25 April, demanding that UNOCI immediately proceed with the disarmament of the Forces nouvelles. At that rally, the President of the "young patriots", Mr. Ble Goude, asserted that his group had the right to hold a rally in the Forces nouvelles stronghold of Bouaké with the same security protection as had been provided to the "Marcoussistes" in Abidjan.

18. In the meantime, the political stalemate continued and the parties appeared to harden their positions. On 26 April, at a gathering in the northern city of Korhogo, the Secretary-General of the Forces nouvelles, Guillaume Soro, stated that his movement would not disarm or return to the Government as long as President Gbagbo remained in power. He also indicated that the Forces nouvelles would re-establish social services and a police force in the areas under their control.

19. On 28 April, a delegation of the "Coalition des Marcoussistes", escorted by UNOCI troops, travelled to northern Côte d'Ivoire for meetings aimed at promoting reconciliation. On 5 May, Prime Minister Diarra gave the "Coalition des Marcoussistes" formal assurances of impartial treatment in access to the State media and of enhanced security, thereby satisfying the two remaining preconditions for the return of their Ministers to the Government of National Reconciliation. In addition, at its first ordinary session on 6 May, the National Assembly decided to resume the debate on the amended law on identification, as well as to consider several other draft laws envisaged under the Linas-Marcoussis Agreement.

20. On 13 May, however, a group of about 1,000 pro-FPI supporters, primarily belonging to the Federation estudiantine et scolaire de Côte d'Ivoire (FESCI), gathered at UNOCI headquarters to protest the report of the International Commission of Inquiry. Some 200 Ivorian gendarmes were deployed to maintain security during the demonstration, which was peaceful. Demonstrations were also held outside UNOCI offices in Daloa, Bondoukou and Yamassoukro, where militant groups vented their frustration at the report of the Commission of Inquiry and demanded the immediate disarmament of the Forces nouvelles.

21. The situation further deteriorated on 18 May, when President Gbagbo announced the suspension of support to the opposition ministers who had boycotted the meetings of the Cabinet since early March. The same day, President Gbagbo signed a decree announcing the dismissal of three opposition ministers, including Mr. Soro, who were immediately replaced by representatives from FPI. In response, the Forces nouvelles issued a declaration stating that they were withdrawing all their remaining representatives from the capital to Bouaké.

22. On 19 May, the situation, especially in Abidjan, became very tense. Several businesses and schools were temporarily closed, while some international

organizations with offices in the Ivorian capital have taken extra measures to protect their staff. Threats to UNOCI personnel from pro-Gbagbo supporters have been escalating, as have rumours that Prime Minister Diarra may resign, which would likely lead to a major confrontation between supporters of President Gbagbo and the opposition. On 20 May, I issued another statement expressing my deep concern at the disturbing turn of events in Côte d'Ivoire, appealing to all Ivorian parties to stop mutual recriminations, to implement faithfully their commitments under the Linas-Marcoussis Agreement and to immediately resume political dialogue, with a view to ensuring the effective functioning of the Government of National Reconciliation. I also called on all parties concerned to desist from any action that may lead to further violence and confrontation and urged them to cooperate with the Monitoring Committee and my Special Representative in the resolution of outstanding issues on the basis of mutual respect and accommodation.

23. On 24 May, a crowd of demonstrators outside the UNOCI headquarters in Abidjan prevented staff from entering or leaving the building for most of the day. My Special Representative appealed to the authorities during the day for assistance in resolving the situation. However, it was not until the late afternoon that gendarmes, using tear gas, intervened and the demonstrators were dispersed.

24. In the meantime, my Special Representative and the Monitoring Committee have been intensifying efforts to restart the dialogue between the parties and to prevent the current impasse from causing irreparable damage to the Linas-Marcoussis Agreement. In an attempt to help the parties overcome the current political stalemate and proceed with the implementation of the Agreement, the Monitoring Committee has formulated a programme of work. The programme deals with issues related to the implementation of the disarmament, demobilization and reintegration programme, including a timetable for disarmament, demobilization and reintegration operations; legislation relating to the identification process; the reunification of the country, including by redeploying the State administration and the provision of basic services throughout Côte d'Ivoire; the reconstitution of the Independent Electoral Commission; equal access by all political groups to public media; security arrangements for leaders of political parties and candidates for Presidential elections; as well as measures aimed at economic recovery.

III. Deployment of the United Nations Operation in Côte d'Ivoire and the security situation

25. On 4 April, UNOCI officially replaced the United Nations Mission in Côte d'Ivoire (MINUCI) and Major-General Abdoulaye Fall of Senegal, former Commander of the ECOMICI force, was appointed Force Commander of UNOCI. A ceremony to mark the re-hatting of the ECOWAS troops from Benin, Ghana, Niger, Senegal and Togo already present on the ground was held on 5 April, with the participation of Prime Minister Diarra. Representatives of Ivorian political parties, religious leaders and members of the diplomatic corps attended the event.

26. As at 25 May, the Mission's troop strength stood at 3,004, out of a total authorized troop strength of 6,240 military personnel. Approximately half of the troops are former ECOMICI re-hatted contingents, with the other half comprising 63 officers at Mission headquarters, 123 military observers, 171 personnel of the French engineering company, 305 personnel from the advance party of the

Bangladesh contingent and the 726-strong Moroccan contingent, which completed its deployment on 24 May. One infantry battalion, one engineering company from Bangladesh and a Pakistani transportation company are expected to join the Mission by the end of June. All troop deployments, with the exception of the helicopter unit, are scheduled to be completed by the end of July, with the arrival of remaining infantry battalions from Bangladesh and a Pakistani engineering company. All contingents will be deployed under "wet lease" arrangements and are expected to be fully self-sufficient with regard to logistical requirements, except rations and fuel, which will be provided by the United Nations.

27. UNOCI has taken over the operational responsibilities of MINUCI military liaison teams and ECOMICI forces. Liaison activities of the newly established force with FANCI, Forces nouvelles and the Licorne forces are being strengthened. Special emphasis is being placed on operational coordination, in particular with the Licorne force. A UNOCI Crisis Management Centre, including a Strategic Planning Cell, has been established. In addition, President Gbagbo has nominated a senior representative to act as liaison officer between UNOCI and the Ivorian security forces. After ensuring a balanced deployment in the "zone of confidence", UNOCI will focus on the establishment of its positions in critical and volatile areas both in the north and south of the zone, where most of the serious human rights abuses are reportedly perpetrated, with a view to facilitating a smooth reunification of the country.

28. With regard to the Mission's civilian police component, its strength stood at 49 civilian police personnel as at 19 May, while the UNOCI Police Commissioner has been present on the ground since the end of March. The focus of this component will be on the establishment of a national training programme for the National Police and the Gendarmerie and the provision of technical assistance for the reform and restructuring of these institutions. In addition, the UNOCI civilian police component has been consulting with the Ivorian security forces with regard to the deployment of civilian police officers. In this regard, joint patrols with the National Police and the Gendarmerie and the Licorne force in the zone of confidence and in the south, as well as with the Forces nouvelles in the north, are envisaged.

29. While the deployment of UNOCI and its initial activities have had a positive impact, the security situation in the country remains dangerously fragile. Serious tensions have continued throughout the country, at times resulting in shooting incidents, particularly in the western towns of Duékoué and Gagnoa. On 3 and 4 March, violent attacks against the civilian population perpetrated by unidentified groups in the village of Bodroumé resulted in the death of 11 villagers, while 16 others were injured. Additionally, there has been a recent increase in militia activities in connection with the return of the Burkina Faso plantation workers to parts of the western region. In particular, ethnic clashes have regularly been reported between Guere activists belonging to a pro-FPI organization called Union patriotique pour la résistance du grand ouest (a wing of the "young patriots") and the local Burkina Faso population.

30. In the north, in February and March, inter-factional fighting escalated between the military wings of the Forces nouvelles. Currently, the movement is in the process of consolidating its ranks with the appointment of a number of new commanders.

31. The continued de facto partitioning of the country has also contributed to the general climate of uncertainty, which has reinforced fears of a possible resumption of civil conflict. Of particular concern in this regard are the measures reportedly taken by the Forces nouvelles to strengthen their administrative activities in the areas under their control, including payment of salaries to elements of the army and police and the establishment of custom services. The Forces nouvelles have also suspended their participation in meetings of the quadripartite military commission, while FANCI are no longer taking part in joint patrols with the Forces nouvelles. Hence, regular exchanges between the military forces have all but stopped.

32. During the days preceding the 25 March demonstrations, there was an unprecedented deployment of FANCI elements in major cities across the Government-controlled parts of Côte d'Ivoire. Deployment was especially heavy in Abidjan, Yamoussoukro, San-Pédro, Guiglo, Daloa and Duékoué. Some of the checkpoints that were re-established during that period are still in place. Rumours of impending attacks on FANCI-held areas further aggravated the situation, keeping the force on high alert.

33. Since the events of 25 and 26 March, the security situation in Abidjan has deteriorated. As reported above, there have been various demonstrations in the capital over the past few weeks, mainly organized by pro-FPI supporters to protest the findings of the International Commission of Inquiry and the delay in the implementation of the disarmament, demobilization and reintegration programme. Although mostly peaceful, the demonstrations are characterized by increasingly worrying vitriolic threats by "young patriots" to resort to violence against UNOCI if the Forces nouvelles are not disarmed by the end of May. On 17 May, a group of violent demonstrators in Toumodi threw stones at a UNOCI convoy proceeding from Abidjan to Yamassoukro. Anonymous threats have also been issued against some members of the United Nations Mission. In its contacts with the Ivorian authorities, the United Nations has emphasized that UNOCI was established at the request of all Ivorian parties, and that the Ivorian authorities have full responsibility for the safety and security of its personnel and assets.

34. Since late March, the Licorne force has also been subject to some hostile actions by various local armed elements and civilians, including the Forces nouvelles and FANCI, due to what was perceived by many as their failure to prevent the violence in Abidjan on 25 and 26 March.

IV. Human rights

35. In the wake of the events of 25 and 26 March in Abidjan, the already precarious human rights situation throughout Côte d'Ivoire has further deteriorated. As reported above, the Office of the United Nations High Commissioner for Human Rights established an International Commission of Inquiry to investigate the human rights violations perpetrated in connection with those events. However, reports of previous violations have often received little response from the authorities. In addition, owing to lack of adequate access to legal assistance for victims, only a few incidents have been documented, thereby contributing to an overall climate of impunity. The proposed establishment of the wider Commission of Inquiry, envisaged under the Linas-Marcoussis Agreement, may help improve the situation.

36. Human rights violations have included arbitrary detention of civilians, extrajudicial killings, as well as discrimination and violence on the basis of nationality, ethnic origin, gender and political opinion, which have compounded the already existing sentiments of exclusion. In addition, following the events of 25 and 26 March, checkpoints have been re-established, especially in Abidjan and its environs, resulting in a dramatic increase in restrictions to freedom of movement. Paramilitary groups, who man the checkpoints, have reportedly been responsible for repeated acts of harassment, intimidation and extortion.

37. In the northern part of the country, which is under de facto control of the Forces nouvelles, reported instances of human rights abuses have also included acts of extortion, arbitrary tax collection, forceful abduction and summary execution. Although the victims have often been civilians, it would appear that many abuses are motivated by increasing fragmentation within the Forces nouvelles and rivalry among various armed factions. Some non-governmental organizations have also been subject to extortion and other forms of harassment in the north, while several humanitarian agencies have had their freedom of movement limited. In addition, the collapse of the judicial system has led to a dramatic increase in cases of child prostitution and sexual violence perpetrated by various uniformed elements, in particular in the town of Bouaké. As reported above, ethnic clashes in the west have also resulted in very serious human rights violations.

38. Not only does freedom of the press remain severely curbed, but physical threats against national and foreign journalists have become more frequent. Recently, a prominent international journalist working in Abidjan was reported missing. To date, his whereabouts remain unknown. In addition, in recent months, the Ivorian media have unleashed a considerable amount of hate propaganda, which, coupled with the widespread lack of objectivity of most local news reports, has become a major destabilizing factor. It is to be noted, in this regard, that most Ivorian media, especially in Abidjan, remain under the direct control of political parties.

39. The Special Rapporteurs of the United Nations Commission on Human Rights on freedom of opinion and expression and on racial discrimination, xenophobia and intolerance, undertook missions to Côte d'Ivoire from 28 January to 5 February 2004 and from 8 to 20 February 2004, respectively. In addition, as noted above, an International Commission of Inquiry, established by the Office of the United Nations High Commissioner for Human Rights, travelled to Abidjan to investigate the events of 25 and 26 March (see S/2004/384, annex). UNOCI and the United Nations Development Programme (UNDP) provided administrative and logistical support to the Commission, as well as to the missions of the Special Rapporteurs.

V. Preparations for the elections

40. The implementation of the electoral aspects of the Linas-Marcoussis Agreement has been negatively affected by the current political crisis. Since my report of 6 January, the National Assembly, meeting in extraordinary session, adopted a law on the identification and residence of aliens. The Government has promulgated a number of decrees concerning the establishment of a National Identification Supervisory Commission, changes to the status of the National Identification Office, procedures for issuance and format of the national identity

card, as well as other decrees appointing the office-bearers and members of the National Identification Supervisory Commission. However, several crucial draft laws approved by the Government are still awaiting legislative assent. In this regard, the National Assembly has recently begun its ordinary session and has several bills tabled before it. I strongly encourage it to work diligently towards the speedy approval of the remaining bills, without which the peace process will not be able to proceed.

41. Another serious concern is that some draft legislation that had already been approved by the Cabinet has yet to be forwarded to the National Assembly for debate and adoption. This legislation includes the draft amendment to article 35 of the Constitution (eligibility criteria for the Presidency), and the draft nationality law. President Gbagbo, however, has indicated that he will only forward the drafts approved in Cabinet to the National Assembly when the country is reunified and State administration is restored countrywide. There has also been continued controversy over the President's intention to present the nationality law and the amendment of article 35 of the Constitution to a referendum after they are approved by parliament. Several signatories to the Linas-Marcoussis Agreement have contended that adoption by the National Assembly would be sufficient, in particular for the law on nationality. As noted in my last report, under the present Constitution only the constitutional amendment of article 35 is required to be submitted to a referendum. I would like to reiterate my appeal to the President to review his position on this matter.

42. Significantly, the reconstitution of the Independent Electoral Commission, as mandated by the Linas-Marcoussis Agreement, has not yet been effected. The Agreement stipulates that the Commission should be reconstituted to reflect a more balanced representation of signatories to the agreement. The Government approved draft on the subject is also currently awaiting consideration by the National Assembly. Pending a parliamentary debate, several opinions continue to be heard, notably in the media and from some political leaders, as to the most desirable modalities for achieving this reconstitution. It is essential, if the reconstituted Electoral Commission is to earn the confidence of the political parties and society at large, that the letter and spirit of the Linas-Marcoussis Agreement be scrupulously respected.

43. The National Identification Supervisory Commission, another crucial body provided for in the Linas-Marcoussis Agreement, was established in January 2004. However, it is unable to function in a satisfactory manner, owing to lack of financial and logistical resources. In light of this, it has not been able to fully carry out its task of overseeing the work of the National Identification Office, as foreseen in the Linas-Marcoussis Agreement. In a bid to overcome these limitations, and with funding assistance from the United Nations and the European Commission, the Commission organized a seminar on the national identification process. The seminar provided a forum for joint discussion among the national institutions involved in the identification and voter registration processes.

44. In the meantime, I dispatched an electoral needs assessment mission to Côte d'Ivoire from 26 January to 6 February to make recommendations on the role that the United Nations could play in support of the Ivorian electoral process. The mission provided an opportunity to seek the views of a broad spectrum of Ivorian political and civil society actors. It also reviewed with various stakeholders the

issues outlined above and potential obstacles to the preparation of credible and transparent elections. The assessment mission's contacts in the country expressed virtually unanimous views in favour of an early and strong United Nations involvement in the preparation of the elections as the only means of ensuring the credibility of the electoral process, especially in regard to its identification and voter registration processes.

45. The assessment mission recommended the establishment of an electoral component within UNOCI, comprising 12 officers at its Abidjan headquarters, with a staff of up to 120 United Nations Volunteers located in field offices in the country's 19 regions. The component would provide technical assistance to the national electoral authorities and closely monitor the electoral preparations throughout the country, with the aim of minimizing the opportunities for manipulation of the electoral process and helping to ensure that there is a level playing field. It is intended to proceed with the deployment of the team in phases, depending on the evolution of the security situation and the electoral process preparations.

46. At the same time, it is obvious that the crises in the Government of National Reconciliation and the slow pace of implementation of the electoral and other aspects of the Linas-Marcoussis Agreement have had a significant impact on preparations for the October 2005 elections, potentially compromising the timetable. A concerted effort will be indispensable if these elections are to be held as scheduled.

47. The overall goal of holding free and fair elections in October 2005 remains a paramount objective that demands the full commitment of all Ivorians. In order to achieve this goal, it will be essential that the parties demonstrate political will, and that the preparations for the elections be accelerated. In this regard, and depending on further developments in the country, the United Nations intends to proceed with the early preparations for the elections. I would also encourage international partners to extend assistance to Côte d'Ivoire in this vital area.

VI. Public information

48. The overall public information climate in the country remains complicated. Transmissions of international radio services such as Radio France International (RFI), the British Broadcasting Corporation (BBC), Africa I and the Voice of America were interrupted at various times between 25 and 29 March 2004 and on 26 April 2004, when demonstrations took place in Abidjan. These interruptions recurred on 5 May 2004, following the leak to the press of the report of the International Commission of Inquiry on the events of 25 and 26 March 2004.

49. Against this background, the UNOCI public information component has stepped up the promotion of understanding of the peace process and the Mission's mandate among political parties and the general population. To that end, the component has launched a series of regular press briefings, with the participation of the Forces Commanders of UNOCI, the Licorne force and United Nations senior officials. In addition, in order to expand the reach of the United Nations public information campaign to the entire country and ensure that non-partisan information is available to all Ivorians, a United Nations radio broadcasting service is in the

process of being established, in collaboration with a network of local radio and other media services.

50. Following the establishment of UNOCI, the Mission's public information component has strengthened its collaboration with the local media, local communities and civil society. Visits have been undertaken to the headquarters of many local media outlets as part of an overall strategy aimed at explaining the peace process and the mandate of UNOCI, especially with regard to the change from MINUCI to UNOCI. The small public information component of the Mission will also continue to support the peace process through a multimedia nationwide public information and advocacy programme in support of the efforts of the Government of National Reconciliation.

VII. Humanitarian situation

51. The current crisis continues to affect in a major way the overall humanitarian situation in the country and the whole West African subregion. It should be noted that some 69,000 refugees still reside in Côte d'Ivoire. The majority are Liberians, living in villages in the western part of the country. Relations between Ivorian host communities and refugees have improved in most parts of the country during the last six months, following the public information campaign launched by the Office of the United Nations High Commissioner for Refugees (UNHCR), in cooperation with the Government, to encourage tolerance and respect for refugees. However, the continued presence and free movement of rebel forces of the Movement for Democracy in Liberia (MODEL) in the western part of Côte d'Ivoire, particularly in Tabou, Guiglo and in the Nicla refugee camp, remains a matter of very serious concern.

52. Another important development during the last six months has been the successful resettlement of over 4,000 Liberian refugees to the United States as part of a major prototype group resettlement operation managed by UNHCR and the United States Government. At the same time, UNHCR intends to start facilitating the voluntary repatriation of some 30,000 Liberian refugees from Côte d'Ivoire and other neighbouring West African countries during the second half of 2004.

53. The continued state of insecurity may, however, lead to a deterioration in the overall humanitarian situation. Recent surveys indicate that malnutrition rates are on the rise in the western part of the country owing to loss of previous harvests, continued displacements, poor roads and limited access of populations to health facilities. The World Food Programme has continued general food distributions in the town of Man, while the Food and Agriculture Organization of the United Nations is providing seeds, tools and fertilizers to about 13,000 internally displaced persons and returnees in Moyen Cavally and several locations in the west. Although communities in certain parts of this region of Côte d'Ivoire have encouraged the return of internally displaced persons to prepare for the start of the agricultural season, insecurity resulting from the tension between ethnic communities continues to cause further displacements.

54. The lack of redeployment of local administration in the territory under the de facto control of the Forces nouvelles has impacted negatively on the provision of health services and education in these areas. As a result of the current crisis, primary and secondary education in Forces nouvelles-controlled areas has been interrupted

for over a year, affecting over one million children. Although the Ministry of Education formally reopened schools in the northern areas on 3 February 2004, the redeployment of teachers there has been slow. In the meantime, United Nations agencies have worked with the Government on the formulation of a National Action Plan to restore the educational system throughout the country and to prepare a pilot programme for reintegrating the increasing numbers of marginalized youth.

55. Also in Forces nouvelles-controlled areas, the health situation remains precarious, owing to the closure of most health-care centres following the departure of up to 85 per cent of the medical staff and lack of medical supplies. The International Committee of the Red Cross (ICRC) and medical non-governmental organizations currently provide medical supplies to about 140 clinics in Forces nouvelles-controlled territory. At the same time, Côte d'Ivoire has the highest HIV/AIDS rate in West Africa, and initial studies indicate that there has been a substantial increase in infections since the conflict began. The crisis has also contributed to an increase in epidemics and diseases such as cholera, yellow fever, meningitis and measles, forcing the United Nations agencies, in cooperation with the World Bank, to focus on combating HIV/AIDS and other pandemic diseases. To address the situation, the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) have conducted an emergency epidemiological survey throughout the country in recent months, as well as immunization campaigns against measles, targeting nearly one million children.

VIII. Economic situation

56. Côte d'Ivoire's continued political instability and economic stagnation have led to an estimated contraction of 7.4 per cent in real gross domestic product (GDP) between 1999 and 2003. Preliminary estimates suggest that real GDP fell by 3.8 per cent in 2003, dragged down by a sharp drop in industrial production. The overall fiscal balance slipped into a deficit of 1.5 per cent of GDP for 2002. The fiscal situation deteriorated further in 2003, as the continuing political and security concerns raised pressures for crisis-related spending. The crisis also disrupted Côte d'Ivoire's patterns of trade and prevented the country from playing a full role in regional integration policy initiatives.

57. The Ivorian authorities have been encouraged to restore relations with their bilateral and multilateral partners in order to permit a resumption of budgetary and development assistance. In that regard, progress in disarmament, demobilization and reintegration and strengthened coordination within the Government would promote the concerted international effort to aid Côte d'Ivoire. In light of the rise in poverty in recent years, the Ivorian authorities have been encouraged to adopt a realistic timetable to develop a revised poverty reduction strategy paper, based on a broad consultative process.

58. United Nations agencies on the ground, in consultation with the Strategic Study Group led by the World Bank, with the participation of the International Monetary Fund (IMF), have contributed to formulating policies on economic reforms, including the reduction of value added tax (VAT). These measures have helped to stem the tide of economic deterioration and maintain productive capacities needed for the programme of national reconstruction. In addition, the United Nations Industrial Development Organization (UNIDO), in partnership with UNDP,

the International Labour Organization (ILO) and the World Bank, has reached an agreement with the Government on the implementation of an emergency post-conflict programme, including the relaunching of productive activities. The programme is designed to facilitate resettlement, rehabilitation and reconstruction activities in connection with the disarmament, demobilization and reintegration programme. UNIDO, UNDP and the World Bank have also provided technical and financial support to promote State and private sector consultations and to reinforce policy dialogue between the public sector and private economic actors.

IX. Regional aspects

59. While bilateral initiatives to address the current dangerous stalemate in the Ivorian peace process have continued, there has also been a broadening of subregional initiatives, including through a greater involvement of the West African Economic and Monetary Union (UEMOA), complementing the efforts of ECOWAS. Following the events of 25 March 2004, President Tandja of Niger, current Chairman of UEMOA, visited Abidjan to encourage the Ivorian political forces to resume dialogue. Efforts are also under way to reactivate the Mano River Union with the help of the United Nations, ECOWAS and the European Union.

60. On 20 May, the current Chairperson of the Commission of the African Union (AU), Alpha Oumar Konaré, issued a statement expressing deep concern at the latest developments in Côte d'Ivoire, particularly President Gbagbo's televised message of 18 May and his decree of the same day announcing the dismissal of three opposition ministers. In that statement, Mr. Konaré also appealed to President Gbagbo and to all Ivorian parties to avoid further deterioration of the situation, to create the conditions for the resumption of political dialogue and to proceed with the implementation of the Linas-Marcoussis Agreement within the Government of National Reconciliation. President Konaré also indicated that the African Union was prepared, in cooperation with its partners, to assist in relaunching the peace process in Côte d'Ivoire.

61. Further to my report of 26 March 2003 (S/2003/374 and Corr.1), the United Nations Office for West Africa (UNOWA) prepared a paper, which is expected to be circulated soon, on the regional implications of the Ivorian crisis. The paper was drafted in collaboration with United Nations peacekeeping operations and missions in the subregion, as well as with other regional partners. In addition, as a follow-up to my report of 12 March 2004 on cross-border problems in West Africa (S/2004/200), UNOWA convened two meetings in Dakar in April 2004 to forge mechanisms for cross-border and inter-Mission cooperation in the subregion. UNOCI participated in both meetings.

62. The 29 April meeting examined operational concepts to guide cooperation between the military components of the United Nations Mission in Sierra Leone (UNAMSIL), the United Nations Mission in Liberia (UNMIL) and UNOCI, discussed the establishment of a working group on joint utilization of United Nations resources and possible mechanisms for cross-border and inter-Mission cooperation to pursue an enhanced regional approach. Special focus was placed on the coordination of country-specific disarmament, demobilization and reintegration activities, in view of the perceived major discrepancies in the disarmament, demobilization and reintegration programmes conducted in Liberia and Côte

d'Ivoire. The meeting agreed to address this issue as a matter of priority. The 30 April meeting, in which the Heads of Mission of UNOCI, UNMIL, UNAMSIL and the United Nations Peace-building Support Office in Guinea-Bissau (UNOGBIS) participated, together with my Special Representative for West Africa, ECOWAS and other concerned partners, reviewed the 13 recommendations outlined in my above-mentioned report of 12 March and discussed the modalities for implementation of the recommendations. Participants also explored various ways to strengthen cooperation between United Nations peacekeeping missions, United Nations agencies in the subregion, civil society organizations and other partners in West Africa. The discussion mainly focused on joint measures to combat the use of mercenaries and child soldiers, the spread of small arms and light weapons, the proliferation of roadblocks, the culture of impunity and prevention of the flows of refugees.

63. In addition, the three United Nations peacekeeping missions, in coordination with the United Nations Office for West Africa, are developing proposals on concrete action in pursuing a regional approach in the implementation of their mandates. These proposals will form the basis of the recommendations I intend to submit to the Security Council later this year, as indicated in my report of 19 March 2004 on the United Nations Mission in Sierra Leone (S/2004/228).

X. Mission support

64. The ongoing transition from MINUCI to UNOCI has been complicated by the fact that MINUCI was not staffed or organized for peacekeeping support operations. Arrangements were therefore made to urgently deploy expert staff from other missions and additional equipment from the United Nations Logistics Base at Brindisi, Italy (UNLB). These measures helped to get the new Mission off to a good start.

65. UNOCI is currently negotiating with the Government of Côte d'Ivoire to acquire a special building for use as an integrated headquarters for the Mission. The building, which is currently empty, will have to be refurbished to meet the Mission's needs, in accordance with United Nations standards. The Mission is also engaged in replacing the temporary logistics support contract operated by Pacific Architects and Engineers with United Nations-supplied rations and fuel contracts from 1 June. The major remaining logistical challenge is equipping the former ECOMICI contingents to United Nations standards. Pacific Architects and Engineers has been providing these units with transport, medical and communications support, and some self-sustainment support. France and Belgium have now offered some support to contingents and the United States may also donate equipment formerly provided through the Pacific Architects and Engineers contract. However, these contingents continue to face severe logistical and operational shortfalls. Dialogue is ongoing between UNOCI, United Nations Headquarters and the Permanent Missions of some donor countries in order to address these problems.

XI. Observations

66. The dramatic events of the last few weeks have brought Côte d'Ivoire to a crossroads. The future of the peace process will clearly depend on whether the

political leaders of the country will be able to rise above their personal ambitions and interests and give priority to the national interest. It will also depend on whether the political parties will be able to break the current vicious circle of recriminations, resume dialogue and resolve all outstanding issues on the basis of mutual respect and accommodation. The full and unconditional implementation of the Linas-Marcoussis Agreement remains the only way out of the severe crisis affecting the country. The only alternative would be further confrontation with the possibility of widespread violence, which would have tragic and unpredictable consequences for the people of Côte d'Ivoire and the entire West African subregion.

67. To avoid a further deterioration of this already very tense situation, determined efforts to resume the peace process must be undertaken by the Ivorian parties with the assistance of the international community. Political rhetoric and posturing, the lack of effective cooperation within the Government of National Reconciliation, deliberately restrictive interpretations of the Linas-Marcoussis Agreement and the de facto partition of the country, coupled with threats of recourse to violence, all constitute very dangerous ingredients that are not conducive to the implementation of the Linas-Marcoussis Agreement. This dangerous state of affairs should not be allowed to consolidate and develop into an overwhelmingly negative political dynamic.

68. Given the circumstances prevailing in Côte d'Ivoire, I would like to appeal to the Security Council, the African Union, ECOWAS and other international stakeholders to continue to play an active role in encouraging all Ivorian parties to resume political dialogue, and to all opposition parties to return to the Government of National Reconciliation without delay. The forthcoming mission of the Security Council to the West African subregion will provide an excellent opportunity to remind all the Ivorian parties of their respective responsibilities in this regard. I also count on the continued involvement of ECOWAS to address the current political crisis in Côte d'Ivoire. In this connection, I would like to commend ECOWAS and the regional leaders for the remarkable efforts they have made to facilitate the search for a solution to the Ivorian crisis. Their contribution has been and will continue to be a vital part of the international community's overall efforts to help restore normalcy in Côte d'Ivoire and the subregion.

69. In the meantime, I have asked my Special Representative, in coordination with the Monitoring Committee, to step up activities to stop the present dangerous deterioration of the situation. To this end, the deployment of the UNOCI military and civilian police personnel will continue, so that the Mission can effectively discharge the tasks entrusted to it by resolution 1528 (2004), once the Ivorian parties are ready to resume the political process to which they freely subscribed under the Linas-Marcoussis Agreement.

70. The precarious humanitarian situation resulting from the conflict and the worsening of the economic situation in Côte d'Ivoire continue to present serious challenges. While the international community is committed to assisting the country in addressing many of the humanitarian challenges, the Government and the Ivorian parties themselves must assume full responsibility for creating a security climate propitious to the safe delivery of humanitarian assistance, and restoring the confidence of its donor partners, which is indispensable for economic recovery.

71. Indeed, in the final analysis, it is for the Ivorians and their political leaders to work together towards a solution to the current crisis and restore peace in Côte

d'Ivoire. As I indicated in the message that I issued to mark the establishment of UNOCI, the United Nations cannot impose, let alone enforce, peace on the Ivorian people, nor can it protect them from themselves. The United Nations, on behalf of the international community, can only fulfil its obligations as envisaged under the understanding reached with Côte d'Ivoire, that is, to assist in restoring peace, including through the deployment of a considerable military and civilian presence. But, the Ivorian parties must equally fulfil their obligations under that moral contract. In this regard, their political leaders and, in particular, President Gbagbo, as the head of State, have a personal responsibility to put an end to mutual recriminations and take concrete steps to resume a meaningful and effective political dialogue and move the peace process forward. On the part of the President, such concrete steps should, at a minimum, translate into ensuring that the ban on all disruptive activities of the militant youth and other groups is enforced without discrimination, that all Ivorians are free to move safely throughout the country and that the Government of National Reconciliation is allowed to initiate the process of legislative reform unhindered. For all Ministers appointed pursuant to the Accra II accords, the personal responsibility involves, primarily, working together within the Government headed by Prime Minister Diarra, towards the implementation, in good faith, of all aspects of the Linas-Marcoussis Agreement. At the same time, all Ivorian political as well as military leaders have a personal responsibility to ensure military cooperation among all concerned parties and the early implementation of the disarmament, demobilization and reintegration process.

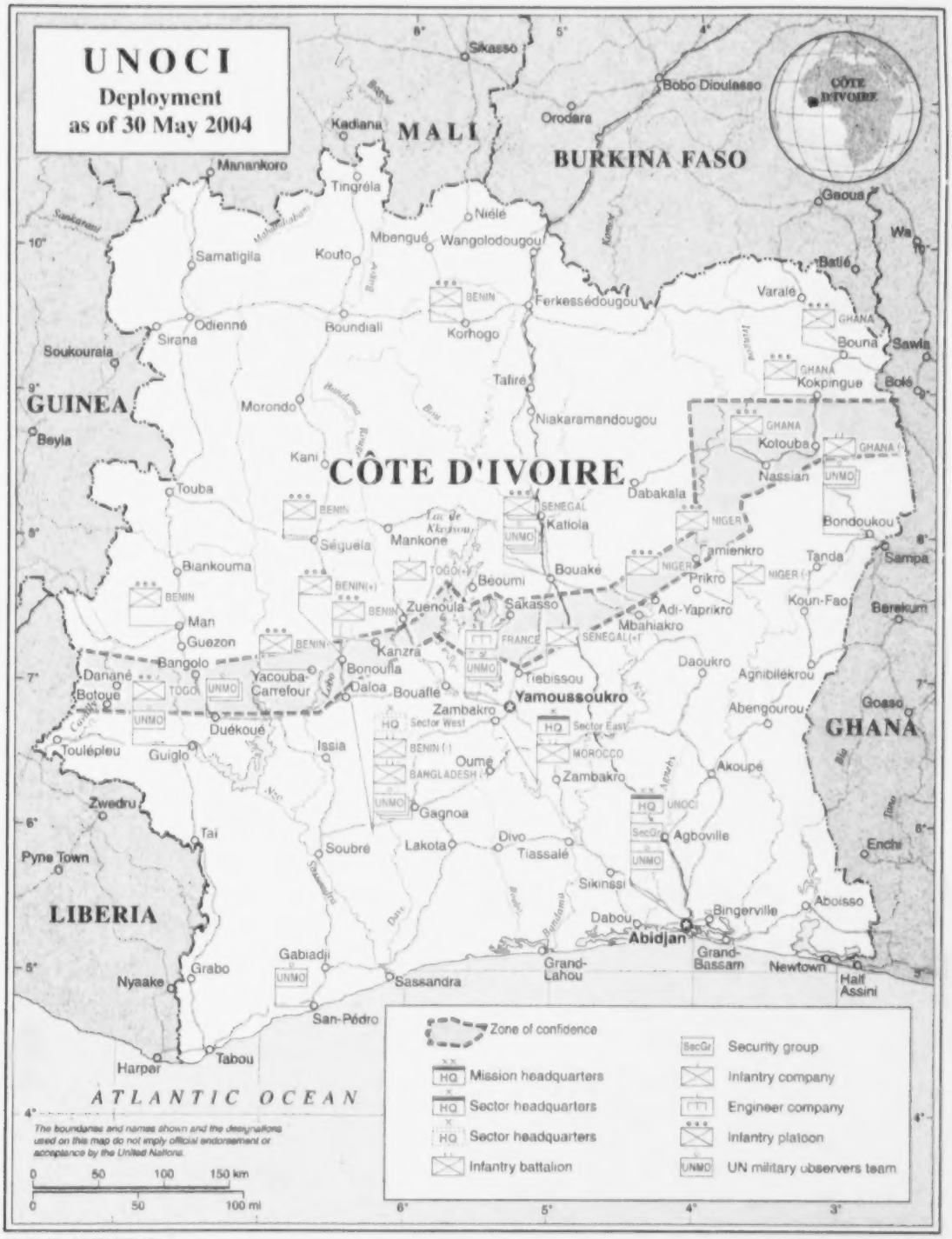
72. In conclusion, I would like to express my appreciation to my Special Representative, Albert Tevoedjre, the civilian and military staff of UNOCI and other United Nations agencies, as well as other humanitarian and development organizations and numerous bilateral donors for their steadfast efforts to support the difficult peace process in Côte d'Ivoire.

Annex

United Nations Operation in Côte d'Ivoire: Military and civilian police strength as on 30 May 2004

Country	*Military component*				*Civilian police*
	Military observer	*Staff officers*	*Troops*	*Total*	
Bangladesh	7	5	369	381	
Benin	9	2	299	310	
Bolivia	3			3	
Brazil	4	1		5	
Burkina Faso		1		1	
Cameroon					10
Canada					10
China	3	2		5	
Djibouti					1
El Salvador	3			3	1
France	2	12	171	185	10
Guatemala	3			3	
Ghana	6	5	342	353	
Gambia	5	1		6	
India	3	5		8	
Ireland	2			2	
Jordan	4	4		8	
Kenya	3	4		7	
Republic of Moldova	2			2	
Morocco		2	732	734	
Namibia	3			3	
Nepal	2			2	
Niger	4	2	366	372	3
Nigeria	3	3		6	
Pakistan	3	6		9	
Paraguay	8	2		10	
Peru	3			3	
Poland	2			2	
Philippines	1			1	
Chad	3			3	
Romania	4	2		6	
Russian Federation	8	2		10	
Senegal	7	7	278	292	3
Serbia and Montenegro	3			3	

Country	*Military component*				*Civilian police*
	Military observer	*Staff officers*	*Troops*	*Total*	
Spain					
Togo	3		286	289	
Tunisia	3			3	
Turkey					11
Uruguay	2	1		3	
Zambia	2			2	
Total	**123**	**69**	**2 843**	**3 035**	**49**



Map No. 4220 UNITED NATIONS
June 2004

Department of Peacekeeping Operations
Cartographic Section

United Nations S/2004/444

Security Council

Distr.: General
3 June 2004

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Letter dated 26 May 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement on the occasion of the launching of the Peace and Security Council of the African Union, Addis Ababa, 25 May 2004, issued on 25 May 2004 by the Presidency on behalf of the European Union (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-37415 (E) 040604

Annex to the letter dated 26 May 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English and French]

Statement on the occasion of the launching of the Peace and Security Council of the African Union, Addis Ababa, 25 May 2004, issued on 25 May 2004 by the Presidency on behalf of the European Union

The Eutopean Union salutes the African Union on the historic occasion of the solemn launching of the Peace and Security Council in Addis Ababa on this Africa Day, 25 May 2004. The European Union warmly welcomes the establishment of this new institution, which has been conceived with a view to equipping the African Union with a more robust and proactive mechanism to deal with peace and security issues in Africa. The European Union also congratulates the Federal Republic of Nigeria on its assumption of the chairmanship of the Peace and Security Council.

The major progress which Africa has made in addressing conflicts on the continent and developing an institutional capacity to deal with conflict prevention and resolution has been impressive. The establishment of the Peace and Security Council is central to this response and demonstrates Africa's determination to take the lead in strengthening its own conflict prevention and management efforts. The European Union is equally determined to work with Africa in supporting this important institutional development and helping to build up African capabilities for addressing and resolving conflicts, including through deployment of African peacekeeping missions. The European Union African Peace Facility, which becomes operational today, will provide the context for developing and strengthening the already strong practical cooperation between the European Union and Africa in the crucial task of preventing and responding to conflict on the continent.

The Peace and Security Council is faced with major responsibilities as it begins its work. The European Union is confident that it can respond effectively to these challenges. The Peace and Security Council and its members will carry with them the good wishes of all concerned for the future of Africa as they formally assume their responsibilities.

The candidate countries Bulgaria, Romania and Turkey, the countries of the stabilization and association process and potential candidates Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this declaration.

United Nations S/2004/445

Security Council

Distr.: General
3 June 2004

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Letter dated 26 May 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the following statement on the situation in Darfur, western Sudan, issued on 26 May 2004 by the Presidency on behalf of the European Union (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Richard **Ryan**
Permanent Representative of Ireland to the United Nations

04-37480 (E) 040604

Annex to the letter dated 26 May 2004 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement on the situation in Darfur, western Sudan, issued 26 May 2004 by the Presidency on behalf of the European Union

The European Union welcomes the decision by the Government of the Sudan to lift restrictions on humanitarian agency workers travelling to Darfur. The European Union expects that the Sudanese authorities will implement the decision expeditiously and that access to Darfur for humanitarian agencies will be unhindered at all levels.

The European Union is deeply troubled by the recent report of the acting United Nations High Commissioner for Human Rights on the situation of human rights in the Darfur region. The European Union calls on the Government of the Sudan to publicly condemn the actions of the Janjaweed militias in Darfur and to bring the militias under control. The Government of the Sudan has a responsibility to effectively protect local populations and internally displaced persons from gross abuses by armed groups. The European Union welcomes the establishment by the Government of the Sudan of a Commission of Inquiry to investigate human rights violations by armed groups in Darfur and expects that swift action will be taken on findings of the Commission.

The European Union commends the work of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in highlighting the humanitarian crisis in Darfur and expresses its strong commitment to work with the United Nations to combat malnutrition, disease and the threat of famine in the Darfur region. The European Union welcomes OCHA's decision to convene a donors' meeting on 3 June in Geneva and will participate fully in the occasion.

The European Union fully supports the work of the African Union to establish a ceasefire commission and monitoring mechanism for the Darfur region. The European Union strongly urges all parties to cooperate fully with the African Union and to participate in coordination meetings as scheduled.

The candidate countries Bulgaria and Romania, the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, and the European Free Trade Association countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.